Children's Wellbeing and Schools Act 2026

2026 CHAPTER 21

An Act to make provision about the safeguarding and welfare of children; about support for children in care or leaving care; about regulation of care workers; about regulation of establishments and agencies under Part 2 of the Care Standards Act 2000; about employment of children; about breakfast club provision and school uniform; about allergy safety in schools; about guidance relating to use of mobile phones and other interactive communication devices in schools; about attendance of children at school; about regulation of independent educational institutions; about inspections of schools and colleges; about teacher misconduct; about Academies and teachers at Academies; repealing section 128 of the Education Act 2002; about school places and admissions; about establishing new schools; about preventing or restricting access by children to internet services; about the age of consent in relation to processing of a child's personal data in relation to information society services; and for connected purposes. [29th April 2026]

BE IT ENACTED by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

PART 1

CHILDREN'S SOCIAL CARE

Family group decision-making

1 Family group decision-making

After section 31 of the Children Act 1989 (care and supervision orders) insert—

"**31ZA Family group decision-making**

(1) Before a local authority in England makes an application for an order under this Part in relation to a child, the authority must offer a family group decision-making meeting to the child's parents or any other person with parental responsibility for the child.

(2) If the offer is accepted by at least one person to whom it is made, the local authority must arrange for the meeting to be held before the authority makes the application.

(3) The duty under subsection (1) or (2) does not apply where the local authority considers that it would not be in the best interests of the child for a family group decision-making meeting to be offered or (as the case may be) to be held.

(4) A "family group decision-making meeting" is a meeting held for the purpose of enabling the child's family network—

(a) to discuss the welfare needs of the child, and

(b) to make a proposal in response to concerns about the child's welfare.

(5) A "family network", in relation to a child, consists of such persons with an interest in the child's welfare as the authority considers appropriate to attend the meeting having regard to the child's best interests, and such persons may (in particular) include—

(a) the child's parents or any other person with parental responsibility for the child, and

(b) relatives, friends or other persons connected with the child.

(6) The local authority must include the offer under subsection (1) in the letter before proceedings sent in relation to the child.

(7) A "letter before proceedings" is the letter sent by the local authority to the child's parents, or any other person with parental responsibility for the child, before the local authority makes an application for an order under this Part in relation to the child.

(8) Where the local authority considers it appropriate, the child in relation to whom the family group decision-making meeting is held may attend the meeting.

(9) In exercising functions under this section in relation to a child, a local authority must, so far as is reasonably practicable and consistent with the child's welfare—

(a) ascertain the child's wishes and feelings regarding the exercise of those functions, and

(b) give due consideration (having regard to the child's age and understanding) to such wishes and feelings of the child as the authority has been able to ascertain."

Child protection and safeguarding

2 Inclusion of childcare and education agencies in safeguarding arrangements

(1) Section 16E of the Children Act 2004 (local arrangements for safeguarding and promoting welfare of children) is amended as follows.

(2) In subsection (1)—

(a) omit the "and" after paragraph (a);

(b) after that paragraph insert—

"(aa) those relevant agencies which are designated childcare or education agencies, and";

(c) for paragraph (b) substitute—

"(b) any other relevant agencies that the safeguarding partners consider appropriate,".

(3) In subsection (2), after "partners" insert "and the relevant agencies mentioned in subsection (1)(aa)".

(4) After subsection (2) insert—

"(2A) For the purposes of this section, a relevant agency is a "designated childcare or education agency" if it—

(a) has functions relating to the provision of childcare or education (or both), and

(b) is designated as such by regulations made by the Secretary of State."

(5) In section 66(3) of that Act (instruments subject to affirmative procedure), for "16E(3)" substitute "16E(2A)(b) or (3)".

3 Multi-agency child protection teams for local authority areas

(1) The Children Act 2004 is amended as follows.

(2) After section 16E insert—

"**16EA Section 16E arrangements: multi-agency child protection teams**

(1) Arrangements made under section 16E by the safeguarding partners for a local authority area must include the establishment of one or more multi-agency child protection teams for the area for the purpose of providing support to the local authority in connection with the discharge of its duties under section 47 of the Children Act 1989 (duty to investigate where child at risk of significant harm).

(2) The support referred to in subsection (1) includes—

(a) the co-ordination of assistance for the local authority under section 47(9) of the Children Act 1989, and

(b) support of any other kind prescribed by regulations made by the Secretary of State.

(3) A multi-agency child protection team is to consist of—

(a) at least one of each of the persons mentioned in subsection (4), and

(b) such other persons as the local authority considers appropriate after consulting the other safeguarding partners.

(4) The persons referred to in subsection (3)(a) are—

(a) a person, nominated by the local authority, with experience in education in relation to children;

(b) a social worker, nominated by the local authority, with experience in social work in relation to children;

(c) a registered health professional, nominated by an integrated care board for an area any part of which falls within the area of the local authority, with experience in the provision of healthcare in relation to children;

(d) a constable or relevant police employee who—

(i) is nominated by the chief officer of police for a police area any part of which falls within the area of the local authority, and

(ii) has experience in child protection.

(5) A person may be nominated under a particular paragraph of subsection (4) only if the person satisfies any requirements prescribed by regulations made by the Secretary of State for the purposes of that paragraph.

(6) The requirements that may be prescribed under subsection (5) include, in particular, requirements relating to a person's qualifications or their experience so far as relating to the safeguarding and promotion of the welfare of children.

(7) Before making regulations under subsection (2)(b) or (5), the Secretary of State must consult such persons (if any) as the Secretary of State considers appropriate.

(8) In this section—

"registered health professional" means a person on the register of one or more of the following bodies—

(a) the General Medical Council;

(b) the Nursing and Midwifery Council;

(c) the Health and Care Professions Council;

"relevant police employee" means—

(a) a person (other than a constable) who is—

(i) employed, or engaged to provide services, for the purposes of a body of constables, and

(ii) under the direction and control of a person who has the direction and control of a body of constables, or

(b) a person who is—

(i) employed by the Common Council of the City of London in its capacity as a police authority, and

(ii) under the direction and control of a chief officer of police;

"social worker" means a person registered as a social worker in the register kept under section 39(1) of the Children and Social Work Act 2017.

16EB Multi-agency child protection teams: co-operation

(1) If the conditions in subsection (2) are met, the safeguarding partners for a local authority area and a relevant agency must together draw up a memorandum setting out how the relevant agency will work with the safeguarding partners to facilitate the operation of MACPT arrangements.

(2) The conditions are that—

(a) the relevant agency is designated for the purposes of this section by regulations made by the Secretary of State;

(b) the safeguarding partners have notified the relevant agency that it is required to work with the safeguarding partners in drawing up a memorandum under this section.

(3) Before making regulations under subsection (2)(a), the Secretary of State must consult such persons (if any) as the Secretary of State considers appropriate.

(4) In this section, "MACPT arrangements" means arrangements made by the safeguarding partners in accordance with section 16EA(1) for the establishment of a multi-agency child protection team."

(3) In section 16G (further provision about arrangements)—

(a) after subsection (4) insert—

"(4A) Where a memorandum under section 16EB(1) has effect—

(a) references in subsections (2) and (3) to arrangements under section 16E include references to the memorandum, and

(b) the safeguarding partners and the relevant agency in question must act in accordance with the memorandum.";

(b) in subsection (6), after "subsection (4)" insert "or (4A)(b)";

(c) after subsection (7) insert—

"(8) Where a memorandum under section 16EB(1) has effect, a report under subsection (7) must also include information about—

(a) what the safeguarding partners and the relevant agency in question have done as a result of the memorandum, and

(b) how effective the memorandum has been in practice."

(4) In section 16J (combining safeguarding partner areas and delegating functions)—

(a) in subsections (1) and (2), after "(5)" insert "and (6)(a) and (b)";

(b) after subsection (5) insert—

"(6) Where an agreement under subsection (1) has effect—

(a) the safeguarding partners for the local authority area must, in making MACPT arrangements for the area, ensure that any multi-agency child protection team established under the arrangements has enough people to operate effectively

having regard to the size of the area to which the agreement relates and any other relevant factors,

(b) section 16EA(3)(a) and (4)(a) and (b) has effect as if—

(i) the reference to at least one person, nominated by the local authority, with experience in education in relation to children, and

(ii) the reference to at least one social worker, nominated by the local authority, with experience in social work in relation to children,

were a reference to at least one such person or social worker for each of the local authorities which is a safeguarding partner for the local authority area, and

(c) each such person or social worker is to act, for the purposes of the multi-agency child protection team to which they are nominated, only in relation to the area of the local authority which nominated them.

(7) In this section—

"MACPT arrangements" has the same meaning as in section 16EB;

"social worker" has the meaning given by section 16EA(8)."

(5) In section 66(3) (instruments subject to affirmative procedure), after "16E(2A)(b) or (3)" (as inserted by section 2(5)) insert ", 16EA(2)(b) or (5), 16EB(2)(a)".

4 Information sharing and consistent identifiers

After section 16L of the Children Act 2004 (safeguarding partners for local authority areas) insert—

"Continuity of information for safeguarding and welfare purposes

16LA Duty to share information

(1) This section applies where a person to whom subsection (4) applies ("the relevant person")—

(a) holds information about a child or information about another individual that relates to the child, and

(b) considers that the information is relevant to safeguarding or promoting the welfare of the child.

(2) The relevant person must ensure that the information is disclosed to another person to whom subsection (4) applies ("the recipient") if and only so far as the relevant person considers that the disclosure may facilitate—

(a) where the recipient is within subsection (4)(a) or (b), the exercise by the recipient of any of its relevant functions, or

(b) where the recipient is within subsection (4)(c), the provision of services by the recipient pursuant to arrangements made by a person within subsection (4)(a) or (b) in connection with the exercise of any of that person's relevant functions.

(3) But the duty imposed by subsection (2) does not apply if the relevant person considers that the disclosure would be more detrimental to the child than not disclosing the information.

(4) This subsection applies to—

(a) a person listed in section 11(1) (persons and bodies under a duty to make arrangements to safeguard and promote welfare),

(b) a person who is a designated childcare or education agency for the purposes of section 16E (local arrangements for safeguarding and promoting welfare of children), and

(c) a person who provides services pursuant to arrangements made by a person within paragraph (a) or (b) in connection with the exercise of any of that person's relevant functions.

(5) The duty imposed by subsection (2) (as qualified by subsection (3)) also applies where a relevant person receives a request for the information from another person to whom subsection (4) applies.

(6) The relevant person must, in discharging any duty imposed on it by this section, have regard to guidance issued by the Secretary of State.

(7) A disclosure of information under this section does not breach any obligation of confidence owed by the person making the disclosure.

(8) This section does not permit the relevant person to do anything which is prohibited by Parts 1 to 7 or Chapter 1 of Part 9 of the Investigatory Powers Act 2016.

(9) In this section, "relevant function" means a function relating to safeguarding or promoting the welfare of children.

16LB Information standards

(1) The Secretary of State may prepare an information standard.

(2) For the purposes of this section, "an information standard" is a standard in relation to the processing of information for the purposes of safeguarding or promoting the welfare of children.

(3) An information standard must specify to whom it applies.

(4) An information standard may only apply to one or more persons falling within section 16LA(4).

(5) A person to whom an information standard applies must have regard to the standard when processing information for the purposes of safeguarding or promoting the welfare of children.

(6) For the purposes of subsection (1), the Secretary of State may adopt all or part of any other information standard prepared or published under any other enactment or for a different purpose from the purpose mentioned in subsection (2).

(7) The Secretary of State may revise an information standard from time to time.

(8) The Secretary of State must publish the current version of each information standard prepared under this section.

(9) Before publishing an information standard under this section, the Secretary of State must consult such persons (if any) as the Secretary of State considers appropriate.

(10) In this section, "processing" has the same meaning as in Parts 5 to 7 of the Data Protection Act 2018 (see section 3(4) and (14) of that Act).

16LC Consistent identifiers for children

(1) The Secretary of State may by regulations make provision for or in connection with—

(a) specifying a description of consistent identifier for the purposes of this section;

(b) requiring or authorising the disclosure of the consistent identifier to a designated person for the purpose of enabling the designated person to comply with subsection (5).

(2) A disclosure required or authorised by the regulations does not breach any obligation of confidence owed by the person disclosing the identifier.

(3) "Consistent identifier" means any identifier (such as, for example, a number or code used for identification purposes) that—

(a) relates to a child, and

(b) forms part of a set of similar identifiers that is of general application.

(4) Subsection (5) applies if—

(a) a designated person (see subsection (10)) processes information about a child, and

(b) the child is one to whom a consistent identifier of the description specified under subsection (1) relates.

(5) If this subsection applies the designated person must include the consistent identifier in the information processed (but this is subject to subsections (6) to (8)).

(6) Subsection (5) applies only so far as the designated person considers that the inclusion of the consistent identifier is likely to facilitate the exercise by any person of a function of that person that relates to safeguarding or promoting the welfare of children.

(7) Subsection (5) does not apply if the designated person considers that including the consistent identifier in the information processed would be more detrimental to the child than not including it.

(8) The designated person need not comply with subsection (5) if—

(a) it does not know the consistent identifier, and

(b) it reasonably considers that finding it out would cause unreasonable delay to the processing of the information.

(9) A designated person's compliance with subsection (5) does not breach any obligation of confidence owed by the designated person.

(10) In this section "designated person" means a person designated for the purposes of this section in regulations made by the Secretary of State.

(11) A person may be designated as mentioned in subsection (10) only if the person is—

(a) a person listed in section 11(1) (persons and bodies under a duty to make arrangements to safeguard and promote welfare), or

(b) a person who is a designated childcare or education agency for the purposes of section 16E (local arrangements for safeguarding and promoting welfare of children).

(12) A designated person must, in discharging any duty imposed on it by this section, have regard to guidance issued by the Secretary of State.

(13) Where a person (a "service provider") provides services pursuant to arrangements made by a designated person in connection with the exercise of any function of the designated person that relates to safeguarding or promoting the welfare of children, this section applies to the service provider as it applies to the designated person.

(14) The reference in subsection (6) to the inclusion of a consistent identifier being likely to facilitate the exercise of a function is to it being likely to facilitate that exercise directly (rather than by means of a trial, study, audit or any other indirect means).

(15) In this section, "processes", "processed" and "processing" are to be read in accordance with the meaning of "processing" in Parts 5 to 7 of the Data Protection Act 2018 (see section 3(4) and (14) of that Act).

16LD Consistent identifiers for children: code of practice

(1) The Secretary of State may issue a code of practice for—

(a) persons who are designated persons within the meaning of section 16LC(10) for the purposes of the duty in section 16LC(5), and

(b) persons who are service providers within the meaning of section 16LC(13).

(2) Those persons must have regard to the code of practice when discharging their duties under section 16LC.

(3) The Secretary of State may revise the code from time to time.

(4) The Secretary of State must publish the current version of the code.

(5) Before publishing the code, the Secretary of State must consult such persons (if any) as the Secretary of State considers appropriate."

Support for children in care, leaving care or in kinship care and carers

5 Information: children in kinship care and their carers

After section 22G of the Children Act 1989 insert—

"Information: children in kinship care and their carers

22H Kinship care: information

(1) A local authority must publish—

(a) information about the authority's general approach to supporting—

(i) children living in the authority's area who live in kinship care, and

(ii) persons living in the authority's area who are kinship carers;

(b) information about financial support which may be available to—

(i) children mentioned in paragraph (a)(i), or

(ii) persons mentioned in paragraph (a)(ii) (in their capacity as kinship carers);

(c) information about services mentioned in subsection (2).

(2) Those services are services available in the authority's area which may assist children mentioned in subsection (1)(a)(i) or persons mentioned in subsection (1)(a)(ii)(in their capacity as kinship carers), including services relating to—

(a) health and wellbeing;

(b) relationships;

(c) education and training;

(d) accommodation.

(3) In subsection (1)(b), the reference to financial support is to financial support whether provided by the local authority or by others (including voluntary organisations).

(4) In subsection (2)—

(a) the reference to services available in the authority's area includes services provided by the authority and services provided by others (including voluntary organisations);

(b) the reference to services relating to relationships includes services which promote contact between a child and their parents or relatives.

(5) Information required to be published by a local authority under this section is to be known as the local authority's "kinship local offer".

(6) A local authority must take such steps as are reasonably practicable to ensure that children and other persons mentioned in subsection (1)(a) receive the information relevant to them.

(7) A local authority must review and update its kinship local offer from time to time, as appropriate.

(8) Before publishing its kinship local offer (or any updated version) a local authority must—

(a) consult relevant persons about any services that are offered, or may be offered, by the local authority which may assist to improve outcomes for children living in the authority's area who live in kinship care, and

(b) publish a report on the consultation.

(9) In subsection (8), "relevant persons" in relation to a local authority, means such children living in kinship care, kinship carers and other persons as appear to the local authority to be representative of children living in kinship care and kinship carers in its area, which may include former kinship carers and children who used to be in kinship care.

(10) The duty to consult in subsection (8) does not apply in relation to kinship local offers that are published or reviewed before section 5 of the Children's Wellbeing and Schools Act 2026 comes into force.

22I Section 22H: interpretation

(1) For the purposes of section 22H, a child lives in kinship care if—

(a) the child lives with a relative, friend or other person connected with the child for all or part of the time, and

(b) subsection (2) or (3) applies in relation to the child.

(2) This subsection applies in relation to the child if—

(a) the child lives with one person mentioned in subsection (1)(a) for all of the time, or for more time than the child lives with a parent, and

(b) the person mentioned in subsection (1)(a) provides all of the care and support provided for the child, or more of that care and support than is provided for the child by a parent.

(3) This subsection applies in relation to the child if—

(a) the child lives with two or more persons mentioned in subsection (1)(a) all or most of the time (whether or not the child lives with those persons at the same time), and

(b) those persons, taken together, provide all or most of the care and support provided for the child.

(4) The reference in subsection (1)(a) to a person connected with the child does not include a reference to—

(a) a parent of the child,

(b) a local authority foster parent of the child who had no connection with the child prior to the child being placed with that person, or

(c) a person caring for the child in a professional capacity.

(5) Where—

(a) a child's parents do not live together, and

(b) the child lives for part of the time with one parent and part of the time with the other,

the child is treated for the purposes of subsection (2)(a) as living with a parent for both of those parts of time taken together.

(6) In section 22H, "kinship carer", in relation to a child, means a person mentioned in subsection (1)(a) who provides care and support for the child in the circumstances described in subsection (2) or (3)."

6 Promoting educational achievement

(1) Part 3 of the Children Act 1989 (support for children and families provided by local authorities in England) is amended as follows.

(2) In the italic heading before section 23ZZA, after "children" insert "and others".

(3) After that italic heading insert—

"**23ZZZA Educational achievement of children in need or in kinship care**

(1) A local authority must take such steps as it considers appropriate for the purpose of promoting the educational achievement of children within subsection (2).

(2) The children within this subsection are—

(a) children for whom, by virtue of subsection (10)(a) or (b) of section 17, the authority is providing or has provided services under that section, and

(b) children in the authority's area who live in kinship care (within the meaning of section 22I(1)).

(3) The steps that may be taken under subsection (1) include steps designed—

(a) to enable children within subsection (2) to overcome barriers to their educational achievement;

(b) to raise awareness of those barriers among, and to provide support for, persons who work with children within subsection (2);

(c) to improve educational attendance and engagement of children within subsection (2);

(d) to promote educational opportunities for children within subsection (2).

(4) Subsection (1) does not require a local authority to take steps in relation to a particular child.

(5) A local authority must appoint at least one person for the purpose of discharging the duty under subsection (1).

(6) A person appointed by a local authority under subsection (5) must be an officer employed by that authority or another local authority."

(4) In section 23ZZA (information and advice for promoting educational achievement), in subsection (6), in the definition of "relevant child"—

(a) at the end of paragraph (a)(i) insert "or";

(b) omit paragraph (a)(ii) (including the "or" at the end of that paragraph);

(c) omit the "or" at the end of paragraph (a)(iii);

(d) after paragraph (a) insert—

"(aa) a child with respect to whom a special guardianship order is in force,

(ab) a child with respect to whom a child arrangements order is in force, where the order provides that the child is to live with a person who is a kinship carer (within the meaning given by section 22I(6)) in relation to the child, or".

7 Provision of advice and other support

After section 23CZA of the Children Act 1989 insert—

"**23CZAA England: provision of staying close support**

(1) A local authority in England has the duties provided for in this section towards a person—

(a) who is a former relevant child within the meaning of section 23C,

(b) to whom the authority has or had duties under that section, and

(c) who is under the age of 25.

(2) The authority must assess whether the provision of staying close support to the person is required in the interests of that person's welfare.

(3) If following that assessment the authority determines that staying close support is so required, the authority must provide staying close support to the person of whatever kind the authority considers appropriate having regard to the extent to which that person's welfare requires it.

(4) "Staying close support" is support provided to a former relevant child for the purpose of helping them—

(a) to find and keep suitable accommodation, and

(b) to access services relating to—

(i) health and wellbeing;

(ii) relationships;

(iii) education and training;

(iv) employment;

(v) participation in society.

(5) The support referred to in subsection (4) means support in the form of—

(a) the giving of advice or information to a former relevant child, and

(b) the making of representations on behalf of a former relevant child for the purpose mentioned in subsection (4).

(6) The duties imposed on local authorities by this section are in addition to the other duties imposed on them by this Part."

8 Local offer for care leavers

(1) Section 2 of the Children and Social Work Act 2017 (local offer for care leavers in England) is amended as follows.

(2) In subsection (1), after paragraph (b) insert—

"(c) the arrangements that the local authority has in place for the purpose of supporting and assisting care leavers in their transition to adulthood and independent living."

(3) In subsection (2), after paragraph (f) insert—

"(g) financial literacy."

(4) After subsection (2) insert—

"(2A) Information required to be published by a local authority under subsection (1)(c) includes information about the authority's arrangements for—

(a) enabling it to anticipate the future needs of care leavers in respect of accommodation and services of a kind mentioned in subsection (2);

(b) co-operating with local housing authorities in its area in assisting former relevant children aged under 25 to find and keep suitable accommodation;

(c) providing assistance to find and keep suitable accommodation to former relevant children aged under 25—

(i) who are at risk of homelessness, or

(ii) in the case of former relevant children detained in prison, a young offender institution or a secure training centre, on their release from detention;

(d) providing financial support for care leavers;

(e) assisting former relevant children aged under 25 to access services of a kind mentioned in subsection (2).

(2B) Information published for the purposes of subsection (2A)(c)(i) must include information about the authority's arrangements for early intervention to prevent former relevant children aged under 25 from becoming homeless."

(5) In subsection (7)—

(a) in the definition of "care leavers", for paragraph (c) substitute—

"(c) former relevant children aged under 25;";

(b) after that definition insert—

""former relevant child" has the meaning given by section 23C(1) of the Children Act 1989;".

9 Care leavers not to be regarded as becoming homeless intentionally

(1) In section 191 of the Housing Act 1996 (becoming homeless intentionally)—

(a) after subsection (1) insert—

"(1ZA) But a person does not become homeless intentionally in a case described in any of subsections (1A) to (1C).";

(b) in subsection (1A), for the words before paragraph (a) substitute "The first case is where—";

(c) after subsection (1A) insert—

"(1B) The second case is where the person is a relevant child within the meaning given by section 23A(2) of the Children Act 1989.

(1C) The third case is where the person is a former relevant child within the meaning given by section 23C(1) of that Act and aged under 25.";

(d) in subsection (3), in the words before paragraph (a), after "person" insert ", other than a person described in subsection (1B) or (1C),".

(2) The amendments made by this section do not apply in relation to an application of a kind mentioned in section 183(1) of the Housing Act 1996 made before the date on which this section comes into force, except where the local housing authority deciding

the application has not yet decided the matters set out in section 184(1)(a) and (b) of that Act.

10 Sibling contact with children in care

In section 34 of the Children Act 1989 (parental contact etc. with children in care)—

(a) in subsection (1)—

(i) omit the "and" at the end of paragraph (c), and

(ii) at the end of paragraph (d) insert "; and

(e) any brother or sister (whether of the whole or half blood) or step-brother or step-sister (whether by marriage or civil partnership) of the child.";

(b) in subsection (4), for "(d)" substitute "(e)";

(c) in subsection (8), in paragraph (za), for "(d)" substitute "(e)".

Accommodation of children

11 Children in temporary accommodation

(1) After section 213A of the Housing Act 1996 (homelessness: co-operation in certain cases involving children) insert—

"**213AA Duty of local housing authority in England to notify in certain cases involving children**

(1) This section applies where a local housing authority in England secures that accommodation is available for occupation by a child, in response to an application for assistance under this Part, unless securing that such accommodation is available means the authority ceases to be subject to the duty under section 193.

(2) Except as provided in subsection (3), the authority must ask the parent of the child—

(a) to agree to the authority notifying each relevant body applicable to the child that accommodation has been secured for the child as mentioned in subsection (1), and

(b) if that agreement is given, to provide the authority with information about those bodies to enable the authority to identify each relevant body applicable to the child.

(3) If the child—

(a) is 16 or 17 years old,

(b) is living independently from their parents, and

(c) is the applicant for assistance within the meaning of section 183(2),

the authority must ask the child as provided in subsection (2)(a) and (b).

(4) If the parent or child (as the case may be) agrees to the authority making the notification mentioned in subsection (2)(a), the authority must take reasonable steps to notify each relevant body applicable to the child within 14 days beginning with the latest of—

(a) the day on which the authority receives agreement,

(b) the day on which the information about the relevant body is provided to the authority, and

(c) the day on which the child is placed in accommodation.

(5) The duties in subsections (2) and (4) only arise once in relation to each application for assistance under this Part.

(6) In this section "relevant body" means—

(a) the general medical practice in England with which the child is registered;

(b) the body in the child's local authority area in England through which health visiting services are available to the child;

(c) the appropriate authority of a relevant educational institution in England at which the child is a registered pupil or student.

(7) The Secretary of State may make provision by regulations for the purposes of this section—

(a) specifying any other description of body as a "relevant body";

(b) specifying any other institution as a relevant educational institution;

(c) specifying the appropriate authority to be notified under this section in relation to an institution specified under paragraph (b).

(8) In this section—

"appropriate authority" means—

(a) in relation to an Academy, a non-maintained special school, a special post-16 institution, an independent school or a provider of post-16 education or training, the proprietor;

(b) in relation to a school maintained by a local authority or an institution within the further education sector, the governing body;

"child" means a person under the age of 18;

"parent" in relation to a child, includes any person—

(a) who is not a parent of the child but who has parental responsibility for the child, or

(b) who has care of the child, disregarding any absence of the child at a hospital or boarding school or any other temporary absence;

"parental responsibility" has the meaning given by section 3 of the Children Act 1989;

"proprietor" means the person or body of persons responsible for the management of the school or institution;

"relevant educational institution" means—

(a) an Academy (as defined by section 579(1) of the Education Act 1996) other than a secure 16-19 Academy (within the meaning of section 1B(7) of the Academies Act 2010);

(b) a school maintained by a local authority (within the meaning of section 142(1) of the School Standards and Framework Act 1998);

(c) a non-maintained special school (within the meaning of section 337A of the Education Act 1996);

(d) an independent school (within the meaning of section 463 of the Education Act 1996);

(e) an institution within the further education sector (within the meaning of section 91(3) of the Further and Higher Education Act 1992);

(f) a special post-16 institution (within the meaning of section 83 of the Children and Families Act 2014);

(g) a provider of post-16 education or training that provides the kind of education or training mentioned in section 123(1)(d) or (g) of the Education and Inspections Act 2006;

(h) a provider of post-16 education or training that provides education or training, other than in institutions within the further education sector, which is suitable to the requirements of persons aged 16 or over but under 19 and funded wholly or partly by the Secretary of State."

(2) The amendment made by this section does not apply in relation to a child for whom a local housing authority in England has secured accommodation in response to an application for assistance under Part 7 of the Housing Act 1996 which was made before the date on which this section comes into force.

12 Accommodation of looked after children: regional co-operation arrangements

(1) The Children Act 1989 is amended as follows.

(2) After section 22I (inserted by section 5) insert—

"Accommodation of looked after children: regional co-operation arrangements

22J Accommodation of looked after children: regional co-operation arrangements

(1) The Secretary of State may give directions requiring two or more local authorities to make regional co-operation arrangements.

(2) "Regional co-operation arrangements" means arrangements—

(a) for the local authorities to carry out their strategic accommodation functions jointly,

(b) for the local authorities' strategic accommodation functions to be carried out by one of the local authorities on behalf of the others, or

(c) for a body corporate to support the local authorities in carrying out their strategic accommodation functions.

(3) A local authority's "strategic accommodation functions" are—

(a) assessing current and future requirements for the accommodation of children being looked after by the local authority,

(b) developing and publishing strategies for meeting those requirements,

(c) commissioning the provision of accommodation for children being looked after by the local authority,

(d) recruiting prospective local authority foster parents and supporting local authority foster parents,

(e) developing, or facilitating the development of, new provision for the accommodation of children being looked after by the local authority, and

(f) any other functions relating to a local authority's duties under section 22A, 22C or 22G that are specified in regulations made by the Secretary of State.

(4) Before making regulations under subsection (3)(f) the Secretary of State must consult—

(a) local authorities, and

(b) such other persons (if any) as the Secretary of State considers appropriate.

(5) A direction under subsection (1) may—

(a) specify which of the three kinds of regional co-operation arrangements the local authorities must make, or

(b) specify more than one kind of regional co-operation arrangement ("the permitted arrangements") and require the local authorities to determine which of the permitted arrangements to make.

(6) A direction which requires or permits the local authorities to make regional co-operation arrangements of the kind in subsection (2)(b) may—

(a) specify which local authority is to carry out the strategic accommodation functions, or

(b) require the local authorities to determine which of them is to carry out the strategic accommodation functions.

(7) A direction which requires or permits the local authorities to make regional co-operation arrangements of the kind in subsection (2)(c) may—

(a) specify the kind of body corporate with which the arrangements may be made;

(b) require a body corporate to be established for the purposes of the arrangements.

(8) If a direction requires a body corporate to be established, it may—

(a) specify which of the local authorities is to establish the body corporate, or

(b) require the local authorities to determine which of them is to establish it.

(9) The Secretary of State may give a direction requiring a local authority to terminate arrangements made in accordance with a direction under subsection (1).

(10) A direction under this section may make different provision for different purposes."

(3) In section 104 (regulations and orders)—

(a) in subsection (2), after "(3AB)," insert "(3AC),";

(b) in subsection (3A), after "(3AB)," insert "(3AC),";

(c) after subsection (3AB) insert—

"(3AC) Regulations fall within this subsection if they are regulations made in the exercise of the power conferred by section 22J(3)(f)."

13 Use of accommodation for deprivation of liberty

(1) Section 25 of the Children Act 1989 (use of accommodation for restricting liberty) is amended as follows.

(2) In the following places, for "restricting" substitute "depriving children of their"—

(a) the heading of the section;

(b) subsection (1).

(3) After subsection (1) insert—

"(1A) Subject to the following provisions of this section, a child who is being looked after by a local authority in England or Wales may not, whilst being kept in relevant accommodation in England, be deprived of their liberty in that accommodation unless it appears—

(a) that—

(i) the child has a history of absconding and is likely to abscond from any other description of accommodation, and

(ii) if the child absconds, the child is likely to suffer significant harm, or

(b) that if the child is kept in any other description of accommodation the child is likely to injure themselves or other persons.

(1B) References in this section to "relevant accommodation" are references to accommodation that—

(a) is provided for the purposes of the care and treatment of children, and

(b) is capable of being used (in whole or in part), in connection with the provision of such care and treatment, for the purpose of depriving children of their liberty."

(4) In subsection (2)—

(a) in paragraph (a)—

(i) in sub-paragraph (i) after "Scotland" insert ", or be deprived of their liberty in relevant accommodation in England,";

(ii) in sub-paragraph (ii) after "Scotland" insert "or be deprived of their liberty in relevant accommodation in England";

(b) in paragraph (b) after "Scotland" insert ", or to be deprived of their liberty in relevant accommodation in England,".

(5) In subsection (3)—

(a) after "section" insert "in respect of a child being kept in secure accommodation";

(b) for "a child" substitute "the child".

(6) After subsection (5) insert—

"(5ZA) Subsections (3) to (5) apply in respect of depriving a child of their liberty in relevant accommodation as they apply in respect of the keeping of a child in secure accommodation."

(7) In subsection (5A), for "restrict the child's" substitute "deprive the child of their".

(8) In subsection (7)—

(a) in paragraph (c) after "Scotland" insert "or be deprived of their liberty in relevant accommodation in England";

(b) in paragraph (d) after "secure accommodation" insert "or be deprived of their liberty in relevant accommodation".

(9) After subsection (8) insert—

"(8ZA) For the purposes of this section—

(a) references in subsection (1) to any other description of accommodation do not include relevant accommodation;

(b) references in subsection (1A) to any other description of accommodation do not include secure accommodation."

(10) In section 104 of the Children Act 1989 (regulations and orders)—

(a) in subsection (3A), after "(3B)" insert ", (3BZA)";

(b) after subsection (3B) insert—

"(3BZA) Regulations fall within this subsection if they are regulations made in the exercise of the power conferred by section 25(2) or (7)."

(11) In section 93 of the Children (Scotland) Act 1995 (interpretation)—

(a) in the definition of "secure accommodation", omit paragraph (b);

(b) after that definition insert—

""secure accommodation", in relation to England, means secure accommodation within the meaning of section 25 of the Children Act 1989 or relevant accommodation within the meaning of that section;".

(12) In section 202(1) of the Children's Hearings (Scotland) Act 2011 (asp 1) (interpretation)—

(a) in the definition of "secure accommodation", omit paragraph (b);

(b) after that definition insert—

""secure accommodation", in relation to England, means secure accommodation within the meaning of section 25 of the Children Act 1989 or relevant accommodation within the meaning of that section,".

Regulation of children's homes, fostering agencies etc

14 Powers of CIECSS in relation to parent undertakings

(1) The Care Standards Act 2000 is amended as follows.

(2) After section 23 insert—

"Powers of CIECSS in relation to parent undertakings (England)

23A Improvement plan notice

(1) The CIECSS may serve an improvement plan notice on a parent undertaking if it has—

(a) a subsidiary undertaking which meets the requirements of subsection (2);

(b) two or more subsidiary undertakings which meet the requirements of subsection (3).

(2) A subsidiary undertaking meets the requirements of this subsection if—

(a) the subsidiary undertaking is registered under this Part as carrying on two or more establishments or agencies for which the CIECSS is the registration authority, and

(b) the CIECSS reasonably suspects that there are grounds for cancelling the subsidiary undertaking's registration in respect of two or more of those establishments or agencies.

(3) A subsidiary undertaking meets the requirements of this subsection if—

(a) the subsidiary undertaking is registered under this Part as carrying on one or more establishments or agencies for which the CIECSS is the registration authority, and

(b) the CIECSS reasonably suspects that there are grounds for cancelling the subsidiary undertaking's registration in respect of one or more of those establishments or agencies.

(4) An "improvement plan notice" is a written notice which—

(a) identifies each subsidiary undertaking which meets the requirements of subsection (2) or (3),

(b) identifies in the case of each of those subsidiary undertakings—

(i) the establishments or agencies in respect of which the CIECSS reasonably suspects that there are grounds for cancelling the subsidiary undertaking's registration, and

(ii) the issues which have led the CIECSS to have those reasonable suspicions,

(c) requires the parent undertaking to prepare and submit to the CIECSS an improvement plan,

(d) specifies the period within which the plan must be submitted, and

(e) provides information about the possible consequences of not complying with the notice.

(5) An "improvement plan" is a plan which—

(a) sets out the action the parent undertaking is proposing to take to address the issues identified in the improvement plan notice,

(b) specifies the date by which the action will be taken, and

(c) names an individual who meets the requirements of subsection (6).

(6) The requirements are—

(a) the individual has a significant role in the management of the parent undertaking, and

(b) the individual may reasonably be expected to be in a position to ensure that the parent undertaking complies with the requirement imposed by section 23B(5) (requirement to implement an improvement plan).

(7) The period mentioned in subsection (4)(d) must not be less than the period of 28 days beginning with the day on which the improvement plan notice is served on the parent undertaking.

(8) The CIECSS may withdraw an improvement plan notice by serving written notice on the parent undertaking.

(9) Where the CIECSS serves a notice on a parent undertaking under this section, the CIECSS must also serve a copy of the notice on the subsidiary undertakings identified in the improvement plan notice.

(10) In this section and sections 23B to 23D, "parent undertaking" and "subsidiary undertaking" have the meanings given by section 1162 of the Companies Act 2006.

23B Improvement plans

(1) This section applies where a parent undertaking has submitted an improvement plan to the CIECSS.

(2) If the CIECSS is satisfied that—

(a) the plan meets the requirements in section 23A(5), and

(b) the plan will be effective in addressing the issues identified in the improvement plan notice,

the CIECSS must approve the plan; otherwise the CIECSS must reject it giving reasons for doing so.

(3) The CIESS must—

(a) serve written notice of the decision on the parent undertaking, and

(b) serve a copy of that notice on the subsidiary undertakings identified in the improvement plan notice.

(4) If the CIECSS rejects the improvement plan, the parent undertaking is to be taken as having failed to comply with the improvement plan notice.

(5) If the CIECSS approves the improvement plan, the parent undertaking must implement it in full.

(6) If the CIECSS is satisfied that the improvement plan has been implemented in full—

(a) the CIECSS must serve written notice on the parent undertaking informing it of that fact, and

(b) the CIECSS must serve a copy of that notice on the subsidiary undertakings identified in the improvement plan notice.

(7) Subsection (8) applies if the individual named in an improvement plan which has been approved by the CIECSS no longer meets the requirements in section 23A(6).

(8) The parent undertaking which submitted the plan must—

(a) modify the plan so as to name an individual who meets those requirements, and

(b) serve written notice of the modification on the CIECSS.

(9) A parent undertaking may otherwise modify an improvement plan which has been approved by the CIECSS only if the CIECSS agrees to the modification.

23C Cancellation of improvement plan

(1) The CIECSS may serve a written notice (a "cancellation notice") on a parent undertaking cancelling an improvement plan which the CIECSS has approved.

(2) The cancellation notice must specify the date on which the cancellation takes effect (which may be a date before the notice is served).

(3) If a cancellation notice is served on a parent undertaking, the requirements mentioned in subsection (4) cease to apply to the undertaking (or are to be treated as having ceased to apply to the undertaking) from the date specified in the notice.

(4) The requirements are—

(a) the requirement imposed by section 23B(5) (requirement to implement improvement plan);

(b) the requirement imposed by section 23B(8) (requirement to modify improvement plan to name another senior manager).

(5) The CIECSS must serve a copy of the cancellation notice on the subsidiary undertakings identified in the improvement plan notice.

23D Appeals relating to decisions under sections 23A and 23B

(1) A parent undertaking may appeal to the Tribunal against a decision of the CIECSS to—

(a) serve an improvement plan notice on the parent undertaking, or

(b) reject an improvement plan submitted by the parent undertaking.

(2) An appeal under subsection (1) must be brought within the period of 28 days beginning with the decision date.

(3) The "decision date" means—

(a) if the appeal is against a decision to serve an improvement plan notice, the day on which the notice is served on the parent undertaking;

(b) if the appeal is against a decision to reject an improvement plan, the day on which notice of that decision is served on the parent undertaking.

(4) If an appeal is brought against a decision to serve an improvement plan notice, the requirement to prepare and submit an improvement plan is suspended during the period—

(a) beginning with the decision date, and

(b) ending with the day on which the appeal is finally determined or withdrawn.

(5) But where an improvement plan has been approved under section 23B, such an appeal does not suspend the requirements imposed by—

(a) section 23B(5) (requirement to implement improvement plan), or

(b) section 23B(8) (requirement to modify improvement plan to name another senior manager).

(6) On an appeal against a decision to serve an improvement plan notice, the Tribunal may—

(a) confirm the decision, or

(b) direct that it is to cease to have effect.

(7) On an appeal against a decision to reject an improvement plan, the Tribunal may—

(a) confirm the decision, or

(b) direct the CIECSS to retake the decision as to whether to approve or reject the plan."

(3) In section 21 (appeals to Tribunal), after subsection (5) insert—

"(5A) Subsection (1) does not apply to a decision of the CIECSS under—

(a) section 23A(1) (service of improvement plan notices), or

(b) section 23B(2) (rejection of improvement plans)."

(4) In section 22 (regulation of establishments and agencies)—

(a) after subsection (2) insert—

"(2A) Regulations made by the Secretary of State under subsection (2)(a) which make provision as to the persons who are fit to carry on an establishment or agency for which the CIECSS is the registration authority may, in particular, make provision by reference to whether a parent undertaking of such a person has failed to comply (or is failing to comply) with any requirement imposed by or under this Part.";

(b) after subsection (10) insert—

"(10A) In subsection (2A), "parent undertaking" has the meaning given by section 1162 of the Companies Act 2006."

(5) In section 37 (service of documents)—

(a) in subsection (1)—

(i) omit the words from "carrying" to "agency";

(ii) omit the "or" at the end of paragraph (a);

(iii) at the end of paragraph (b) insert "; or

(c) by being sent by email to the person's email address.";

(b) after subsection (3) insert—

"(3A) A notice or other document sent to a person by email is, unless the contrary is proved, to be treated as having been served on the working day immediately following the day on which it was sent.";

(c) after subsection (5) insert—

"(6) A person's (P's) email address for the purposes of this section is—

(a) an email address identified for the time being by P, or by a person who manages an establishment or agency carried on by P, as an address for contacting P, or

(b) if an email address is not so identified, an email address which the person serving the notice or other document believes is used by P.

For the purposes of this subsection, a person "identifies" an email address by providing it to a registration authority or publishing it.

(7) In subsection (3A) "working day" means a day other than a Saturday, a Sunday, Christmas Day, Good Friday or a bank holiday under the Banking and Financial Dealings Act 1971 in England and Wales."

15 Power of CIECSS to impose monetary penalties

(1) The Care Standards Act 2000 is amended as follows.

(2) After section 30ZB insert—

"Power of CIECSS to impose monetary penalties

30ZC Power of CIECSS to impose monetary penalties

(1) The CIECSS may impose a monetary penalty on a person if the CIECSS is satisfied on the balance of probabilities that the person has failed to comply with—

(a) an improvement plan notice served on the person under section 23A,

(b) the requirement imposed by section 23B(5) (implementation of improvement plans), or

(c) the requirement imposed by section 23B(8)(modification of improvement plans to name another senior manager).

(2) The CIECSS may impose a monetary penalty on a person if—

(a) the CIECSS is satisfied beyond reasonable doubt that an act or omission of the person constitutes an offence under this Part, and

(b) the act or omission relates to an establishment or agency for which the CIECSS is the registration authority.

(3) The CIECSS may not impose a monetary penalty under subsection (2) if—

(a) the person has been convicted of an offence under this Part in respect of the act or omission,

(b) criminal proceedings for an offence under this Part in respect of the act or omission have been instituted against the person and the proceedings have not been concluded, or

(c) criminal proceedings for an offence under this Part in respect of the act or omission have been concluded and the person has not been convicted of the offence.

(4) If the CIECSS has under subsection (2) imposed a monetary penalty on a person in respect of an act or omission (and the penalty has not been

cancelled), the person may not be convicted of an offence under this Part in respect of it.

(5) See Schedule 1A for further provision about monetary penalties under this section.

(6) In this section references to an offence under this Part include an offence under regulations made under this Part.

30ZD CIECSS monetary penalties: publication of information

The Secretary of State may by regulations make provision requiring the CIECSS to publish information about monetary penalties imposed under section 30ZC, which may include information identifying—

(a) the persons on whom penalties were imposed,

(b) the dates they were imposed,

(c) the grounds for imposing them, and

(d) their amounts."

(3) In section 14(1) (grounds for cancelling registration) after paragraph (b) insert—

"(ba) on the ground that a monetary penalty has been imposed on the person under section 30ZC;".

(4) In section 21 (appeals to Tribunal) after subsection (6) insert—

"(7) Subsection (1) does not apply to a decision of the CIECSS—

(a) to impose a monetary penalty under section 30ZC;

(b) as to the amount of such a penalty."

(5) In the italic heading before section 30ZA, after "notices" insert "(Wales)".

(6) In section 30A (matters of which the CIECSS must notify local authorities)—

(a) in subsection (2), after paragraph (b) insert—

"(ba) has served on P, or a parent undertaking of P, a penalty notice under paragraph 3 of Schedule 1A (monetary penalties);";

(b) in subsection (7), after the definition of "electronically" insert—

""parent undertaking" has the same meaning as in section 23A(10);".

16 Financial oversight

(1) The Care Standards Act 2000 is amended as follows.

(2) After section 30ZD (inserted by section 15) insert—

"Financial regulation (England)

30ZE Persons who are subject to financial oversight

(1) A person is subject to financial oversight if the Secretary of State determines that the person is—

(a) a relevant provider who meets one or more of the financial oversight conditions, or

(b) a member of a relevant provider group which meets one or more of the financial oversight conditions.

(2) A "financial oversight condition" is a condition specified in regulations made by the Secretary of State for the purposes of this section.

(3) Before making the regulations the Secretary of State must have regard to the public interest in securing that—

(a) a relevant provider is subject to financial oversight if the provider has a position of strategic significance in respect of the provision of relevant establishments or agencies;

(b) a member of a relevant provider group is subject to financial oversight if the group has a position of strategic significance in that respect.

(4) The conditions which may be specified in the regulations may, in particular, relate to—

(a) the number of relevant establishments or agencies which are carried on by a relevant provider or a relevant provider group;

(b) the size of those establishments or agencies;

(c) the geographical concentration of those establishments or agencies;

(d) the share of any market within England for the provision of relevant establishments or agencies which is held by a relevant provider or a relevant provider group.

(5) Where the Secretary of State determines that a person is subject to financial oversight, the Secretary of State must serve written notice of the determination on the person.

(6) The notice may require the person to name an individual who—

(a) has a significant role in the management of the person, and

(b) may reasonably be expected to be in a position to ensure that the person complies with any requirement imposed by or under section 30ZG, 30ZH or 30ZI.

(7) In this section and sections 30ZF to 30ZJ—

"relevant establishment or agency" means—

(a) a children's home in England, or

(b) a fostering agency in England (or, where the activities of a fostering agency are carried on from two or more branches, the branches in England);

"relevant provider" means a person, other than a local authority, who is registered under this Part as carrying on one or more relevant establishments or agencies;

"relevant provider group" means—

(a) a parent undertaking of a relevant provider, and

(b) its relevant subsidiary undertakings;

"relevant subsidiary undertaking" means—

(a) a relevant provider, or

(b) a parent undertaking of a relevant provider;

"parent undertaking" and "subsidiary undertaking" have the meanings given by section 1162 of the Companies Act 2006.

30ZF Financial oversight period

(1) A person is subject to financial oversight for the financial oversight period.

(2) The "financial oversight period" is the period of 12 months beginning with the day on which the Secretary of State makes a determination under section 30ZE(1), but this is subject to subsection (3).

(3) If the Secretary of State makes a further determination under section 30ZE(1)before the end of the financial oversight period, that period is extended until the end of the period of 12 months beginning with the day on which the further determination is made.

30ZG Power to require provision of recovery and resolution plan

(1) The Secretary of State may serve a written notice on a person who is subject to financial oversight requiring the person to—

(a) prepare a recovery and resolution plan, and

(b) submit the plan to the Secretary of State before the end of the period specified in the notice.

(2) A recovery and resolution plan is a plan containing information about—

(a) the nature and extent of any risk to the financial sustainability of the person,

(b) the action the person proposes to take to mitigate or eliminate those risks,

(c) any adverse impacts on local authorities, and children looked after by local authorities, that might result if those risks materialised, and

(d) the action the person proposes to take to reduce those adverse impacts if they arise.

(3) The period mentioned in subsection (1)(b) must not be less than 28 days beginning with the day on which the notice is served on the person.

(4) Subsection (5) applies where the person on whom the Secretary of State serves a notice under subsection (1) is a parent undertaking of a relevant provider.

(5) The Secretary of State may also require that the information provided under subsection (2)(a) is to include information about the nature and extent of any risks to the financial sustainability of the relevant subsidiary undertakings of the parent undertaking.

(6) The Secretary of State may serve written notice on a person who has submitted a recovery and resolution plan requiring the person to provide an explanation of any information contained in the plan.

(7) Subsection (8) applies where—

(a) a person has submitted a recovery and resolution plan to the Secretary of State,

(b) there is a material change to the matters mentioned in subsection (2), and

(c) the person is subject to financial oversight when the change occurs.

(8) The person must inform the Secretary of State of the change as soon as is reasonably practicable.

30ZH Power to require information

(1) The Secretary of State may serve a written notice on a person who is subject to financial oversight requiring the person to provide such information as the Secretary of State considers it necessary or expedient to have for the purpose of assessing—

(a) the nature and extent of any risks to the financial sustainability of the person;

(b) the action the person could take to mitigate or eliminate those risks;

(c) any adverse impacts on local authorities, and children looked after by local authorities, that might result if those risks materialised;

(d) the action the person could take to reduce those adverse impacts if they arise.

(2) Subsection (3) applies where the Secretary of State serves a notice under subsection (1) on a person who is a parent undertaking of a relevant provider.

(3) Where this subsection applies, the power under subsection (1)(a) includes the power to require information for the purposes of assessing the nature of any risks to the financial sustainability of the relevant subsidiary undertakings of the person.

(4) The power under subsection (1) includes the power to require the provision of—

(a) an explanation of any information required under that subsection,

(b) copies of any documents or records, and

(c) a legible copy of information recorded otherwise than in legible form.

(5) Subsection (6) applies where—

(a) a person provides information to the Secretary of State under this section,

(b) there is a material change to that information, and

(c) the person is subject to financial oversight when the change occurs.

(6) The person must inform the Secretary of State of the change as soon as is reasonably practicable.

30ZI Power to arrange for independent business review

(1) The Secretary of State may arrange for a qualified person to carry out an independent business review in relation to a person who is subject to financial oversight (a "reviewed person") if satisfied that either or both of the conditions in subsection (2) are met.

(2) The conditions are—

(a) there is a significant risk to the financial sustainability of the reviewed person, or

(b) where the reviewed person is a parent undertaking of a relevant provider, there is a significant risk to the financial sustainability of one or more of their relevant subsidiary undertakings.

(3) An "independent business review" is a review of—

(a) the nature and extent of any relevant financial sustainability risks;

(b) the action the reviewed person could take to mitigate or eliminate those risks;

(c) any adverse impacts on local authorities, and children looked after by local authorities, that might result if those risks materialised;

(d) the action the reviewed person could take to reduce those adverse impacts if they arise.

(4) A "relevant financial sustainability risk" means—

(a) where the Secretary of State is satisfied that the condition in subsection (2)(a) is met, a risk to the financial sustainability of the reviewed person;

(b) where the Secretary of State is satisfied that the condition in subsection (2)(b) is met, a risk to the financial sustainability of the relevant subsidiary undertakings mentioned in that subsection.

(5) A person is "qualified" to carry out an independent business review if the Secretary of State is satisfied that the person—

(a) is independent of the reviewed person and the Secretary of State, and

(b) has the skills necessary to carry out the review.

(6) Where the Secretary of State arranges for a qualified person to carry out an independent business review, the Secretary of State must serve a written notice on the reviewed person informing the person of that fact.

(7) The notice may make provision for the reviewed person to be liable to the Secretary of State for payment of the qualified person's remuneration and expenses relating to the review.

(8) An amount payable to the Secretary of State under the notice is recoverable, if a county court so orders, as if it were payable under an order of that court.

(9) The reviewed person must give the qualified person all such assistance as the qualified person may reasonably require to carry out the review.

30ZJ Duty to issue advance warning notice

(1) The Secretary of State must serve a written notice (an "advance warning notice") on a local authority if the Secretary of State considers that—

(a) there is a real possibility that one or more relevant establishments or agencies will cease to be carried on because of any risk to the financial sustainability of a person who is subject to financial oversight, and

(b) the local authority, or any children looked after by the local authority, might be adversely affected if that were to happen.

(2) An advance warning notice must—

(a) identify the establishments or agencies mentioned in subsection (1);

(b) inform the local authority that the Secretary of State considers that there is a real possibility that those establishments or agencies will cease to be carried on for the reasons mentioned in that subsection, and

(c) explain why the Secretary of State considers that the local authority, or children looked after by the local authority, might be adversely affected if that were to happen.

(3) Where the Secretary of State serves an advance warning notice under subsection (1), the Secretary of State must also—

(a) serve a copy of the notice on the CIECSS, and

(b) inform the person who is registered as carrying on the establishments or agencies identified in the notice that an advance warning notice has been served in relation to those establishments or agencies."

(3) In section 118 (orders and regulations)—

(a) after subsection (2) insert—

"(2A) A statutory instrument containing (alone or with other provision) regulations to which subsection (2B) applies may not be made unless a draft of the instrument has been laid before and approved by a resolution of each House of Parliament.

(2B) This subsection applies to regulations under—

(a) section 30ZE(2);";

(b) in subsection (3) for "subsection (2)", in the first place it occurs, substitute "subsections (2) or (2A)".

17 Power to limit profits of relevant providers

(1) The Care Standards Act 2000 is amended as follows.

(2) After section 30ZJ (inserted by section 16(2)) insert—

"**30ZK Power to limit profits of relevant providers**

(1) The Secretary of State may by regulations provide that any profit made by a relevant provider from carrying on relevant establishments or agencies must not exceed an amount specified in, or determined in accordance with, the regulations.

(2) "Relevant provider" means a person, other than a local authority, who is registered under this Part as carrying on one or more relevant establishments or agencies.

(3) "Relevant establishments or agencies" are—

(a) children's homes in England, and

(b) fostering agencies in England (or, where the activities of a fostering agency are carried on from two or more branches, the branches in England).

(4) The regulations may make provision about how the profit made by a relevant provider from carrying on relevant establishments or agencies is to be determined.

(5) The provision that may be made by virtue of subsection (4) includes provision about making adjustments for disguised profit arrangements.

(6) Arrangements are "disguised profit arrangements" if—

(a) having regard to all the circumstances, it would be reasonable to conclude that the main purpose, or one of the main purposes, of the arrangements was to reduce profit, and

(b) they meet any other conditions specified in the regulations.

(7) The Secretary of State may make regulations under this section only if satisfied that it is necessary to do so, having regard to the public interest in securing that relevant providers are providing placements on terms which represent value for money.

(8) Before making regulations under this section the Secretary of State must have regard to—

(a) the welfare of children being looked after by local authorities in England,

(b) the interests of local authorities in England, and

(c) the interests of relevant providers (including the opportunity to make a profit).

(9) Before making regulations under this section the Secretary of State must consult—

(a) local authorities in England,

(b) any persons appearing to the Secretary of State to represent the interests of relevant providers, and

(c) such other persons (if any) as the Secretary of State considers appropriate.

30ZL Power to limit profits of relevant providers: supplementary provision

(1) The Secretary of State may by regulations require relevant providers to make an annual return to the Secretary of State for the purpose of determining whether they have complied with any requirement imposed by regulations under section 30ZK.

(2) Regulations under this section may make provision—

(a) about the contents of the return;

(b) about the period in respect of which, and date by which, it is to be made.

(3) Regulations under this section may make provision conferring on the Secretary of State powers to require the provision of information from relevant providers in connection with the contents of the return.

(4) "Relevant provider" has the same meaning as in section 30ZK."

(3) In section 25 (power for regulations to create offences), after subsection (2) insert—

"(2A) Subsection (1) does not apply to regulations under section 30ZK or 30ZL (power to limit profits)."

(4) In section 118 (orders and regulations), in subsection (2B) (inserted by section 16(3)) after paragraph (a) insert—

"(b) section 30ZK;".

18 Power of Secretary of State to impose monetary penalties

(1) In the Care Standards Act 2000, after section 30ZL (inserted by section 17) insert—

"**30ZM Power of Secretary of State to impose monetary penalties**

(1) The Secretary of State may impose a monetary penalty on a person if the Secretary of State is satisfied on the balance of probabilities that the person has failed to comply with—

(a) any requirement imposed by or under section 30ZE, 30ZG, 30ZH or 30ZI (financial oversight);

(b) any requirement imposed by or under regulations under section 30ZK or 30ZL (power to limit profits).

(2) See Schedule 1A for further provision about monetary penalties under this section.

(3) The Secretary of State may publish information about monetary penalties imposed under this section, including information identifying—

(a) the persons on whom penalties were imposed,

(b) the dates they were imposed,

(c) the grounds for imposing them, and

(d) their amounts."

(2) In section 14(1) (grounds for cancelling registration) in paragraph (ba) (inserted by section 15(3)) after "30ZC" insert "or 30ZM".

19 Procedure for imposing monetary penalties

(1) The Care Standards Act 2000 is amended as follows.

(2) After section 30ZM (inserted by section 18) insert—

"Monetary penalties: procedure etc

30ZN Monetary penalties: procedure etc

Schedule 1A makes provision about—

(a) monetary penalties imposed by the CIECSS under section 30ZC, and

(b) monetary penalties imposed by the Secretary of State under 30ZM."

(3) After Schedule 1 insert—

"SCHEDULE 1A Section 30ZN

MONETARY PENALTIES UNDER PART 2

Interpretation

1 (1) In this Schedule "monetary penalty" means—

(a) a monetary penalty under section 30ZC;

(b) a monetary penalty under section 30ZM.

(2) In this Schedule the "relevant authority" means—

(a) in relation to a monetary penalty under section 30ZC, the CIECSS;

(b) in relation to a monetary penalty under section 30ZM, the Secretary of State.

Notice of intention to impose monetary penalty

2 (1) Before imposing a monetary penalty on a person, the relevant authority must serve on the person a notice (a "notice of intention") stating that the relevant authority proposes to impose the penalty.

(2) A notice of intention must—

(a) state the reasons for the proposal to impose a penalty;

(b) state the amount of the proposed penalty;

(c) inform the person that the person may, before the end of the period of 28 days beginning with the day on which the notice is served on the person, make written representations to the relevant authority about the proposal.

(3) If at any time after the notice of intention is served the relevant authority decides not to impose a monetary penalty on the person, the relevant authority must serve on the person a notice to that effect.

(4) The relevant authority may not decide to impose a monetary penalty on the person before—

(a) the relevant authority has considered any written representations made before the end of the period mentioned in sub-paragraph (2)(c),

(b) the person has notified the relevant authority in writing that they do not intend to make representations, or

(c) the period mentioned in sub-paragraph (2)(c) has ended without any written representations having been made.

Imposition of monetary penalty

3 (1) If the relevant authority decides to impose a monetary penalty on the person, the relevant authority must (subject to sub-paragraphs (2) and (3)) serve on the person a notice to that effect.

(2) A notice imposing a penalty under section 30ZC(1) or 30ZM (penalty for failure to comply with requirements) may not be served—

(a) more than 6 months after the relevant authority first has sufficient evidence to be satisfied on the balance of probabilities that the failure to comply occurred, or

(b) more than 3 years after the failure to comply occurred,

(whichever is earlier).

(3) A notice imposing a penalty under section 30ZC(2) (penalty for act or omission constituting an offence) may not be served after the end of the period within which proceedings could be brought for the offence in question (see section 29).

(4) A notice imposing a penalty (a "penalty notice") must—

(a) state the reasons for imposing the penalty;

(b) state the amount of the penalty;

(c) state how the penalty may be paid;

(d) state the period within which the penalty must be paid;

(e) inform the person of the right to appeal under paragraph 6;

(f) explain the consequences of non-payment.

(5) The period specified under sub-paragraph (4)(d) must not be less than 28 days beginning with the day on which the penalty notice is served on the person.

(6) The person must pay the penalty before the end of—

(a) the period specified under sub-paragraph (4)(d), or

(b) if an appeal is brought under paragraph 6, the period of 28 days beginning with the day on which the appeal is withdrawn or finally determined (if the penalty notice then has effect).

(7) Where a penalty notice has been served on a person, the relevant authority may cancel or vary it by serving on the person a notice to that effect (but may not vary it so as to increase the amount of the penalty or reduce the period within which it may be paid).

Amount of monetary penalty

4 (1) Subject to sub-paragraphs (2) to (4), a monetary penalty may be of any amount.

(2) The Secretary of State may by regulations set the maximum amount of a penalty imposed under section 30ZC(1) or 30ZM (penalty for failure to comply with requirements).

(3) The amount of a penalty imposed by the CIECSS under section 30ZC(2) (penalty for act or omission constituting an offence) may not exceed the amount of the fine that may be imposed on summary conviction for the offence in question (where that is not an unlimited amount).

(4) In deciding the amount of a monetary penalty, the relevant authority must consider—

(a) the nature and seriousness of the failure to comply, or the act or omission, for which the penalty is to be imposed;

(b) whether there are any mitigating or aggravating factors;

(c) whether the person has previously failed to comply with, or committed offences under, this Part or regulations made under it;
(d) the likely impact of the monetary penalty on the person.

Interest and recovery

5 (1) This paragraph applies if all or part of a monetary penalty is unpaid by the time when it is required to be paid.

(2) The unpaid amount of the penalty for the time being carries interest at the rate specified in section 17 of the Judgments Act 1838 (and does not also carry interest as a judgment debt under that section).

(3) The total amount of interest imposed must not exceed the amount of the penalty.

(4) The unpaid amount of the penalty and any unpaid interest may be recovered by the relevant authority as a debt.

Right of appeal against imposition of monetary penalty

6 (1) A person on whom a penalty notice has been served may appeal to the Tribunal against the decision of the relevant authority—
(a) to impose the penalty;
(b) as to the amount of the penalty.

(2) An appeal under this paragraph may not be brought after the end of the period of 28 days beginning with the day on which the penalty notice was served on the person.

(3) On an appeal under this paragraph the Tribunal may—
(a) confirm the penalty notice,
(b) direct that the penalty notice ceases to have effect, or
(c) in the case of an appeal against the amount of the penalty, vary the amount."

(4) In section 118 (orders and regulations), in subsection (2B) (inserted by section 16(3)) after paragraph (b) (inserted by section 17(4)) insert—
"(c) paragraph 4(2) of Schedule 1A."

20 Information sharing

(1) In the Care Standards Act 2000, after section 30ZN (inserted by section 19(2)) insert—

"Information sharing

30ZO Information sharing

(1) The Secretary of State may require the CIECSS to provide relevant information to the Secretary of State for use in connection with the Secretary of State's functions under this Part.

(2) The CIECSS may otherwise provide relevant information to the Secretary of State for use in connection with those functions.

(3) The Secretary of State may provide relevant information to the CIECSS for use in connection with the CIECSS's functions under this Part.

(4) "Relevant information" means information held by a person in connection with their functions under this Part.

(5) The Secretary of State may provide financial oversight information to the Care Quality Commission for use in connection with the Commission's functions under sections 54 to 56 of the Care Act 2014.

(6) "Financial oversight information" means information held by the Secretary of State in connection with the Secretary of State's functions under sections 30ZE to 30ZJ.

(7) This section does not limit the circumstances in which information may be disclosed apart from this section.

(8) A disclosure of information authorised by or required under this section does not breach—

(a) any obligation of confidence owed by the person making the disclosure, or

(b) any other restriction on the disclosure of information (however imposed)."

(2) In the Care Act 2014, after section 56 insert—

"**56A Provision of information to the Secretary of State**

(1) The Care Quality Commission may provide market oversight information to the Secretary of State for use in connection with the Secretary of State's functions under sections 30ZE to 30ZJ of the Care Standards Act 2000.

(2) "Market oversight information" means information held by the Commission in connection with its functions under sections 54 to 56.

(3) A disclosure of information authorised by subsection (1) does not breach—

(a) any obligation of confidence owed by the person making the disclosure, or

(b) any other restriction on the disclosure of information (however imposed)."

Care workers

21 Use of agency workers for children's social care work

After section 32 of the Children and Social Work Act 2017 insert—

"Children's social care: use of agency workers

32A Use of agency workers for children's social care work

(1) The Secretary of State may by regulations impose requirements on English local authorities about the use of agency workers in connection with the children's social care functions of those authorities.

(2) An "agency worker" is an individual—

(a) who is supplied by a person (the "agent") to do work for another person (a "principal") under arrangements between the agent and the principal, and

(b) who is not, as respects that work, a worker of the principal because of the absence of a worker's contract between the individual and the principal.

(3) The "children's social care functions" of an English local authority are its functions under any legislation specified in Schedule 1 to the Local Authority Social Services Act 1970, so far as those functions relate to persons under the age of 18.

(4) The regulations may, in particular—

(a) require that agency workers used in connection with the children's social care functions of an English local authority meet specified requirements;

(b) make provision about the way in which such agency workers may be managed;

(c) make provision about the terms on which such agency workers may be supplied to English local authorities (including the amounts which may be paid under such arrangements).

(5) Before making the regulations, the Secretary of State must consult such persons as the Secretary of State considers appropriate.

(6) Regulations under this section are subject to the affirmative resolution procedure.

(7) In this section—

"English local authority" means—

(a) a county council in England;

(b) a district council;

(c) a London borough council;

(d) the Common Council of the City of London (in their capacity as a local authority);

(e) the Council of the Isles of Scilly;

(f) a combined authority established under section 103 of the Local Democracy, Economic Development and Construction Act 2009;

"worker" and "worker's contract" have the same meanings as in the Employment Rights Act 1996 (see section 230(3) of that Act)."

22 Ill-treatment or wilful neglect of children

(1) The Criminal Justice and Courts Act 2015 is amended as follows.

(2) In section 20 (ill-treatment or wilful neglect: care worker offence)—

(a) in subsection (3)—

(i) omit "or" after paragraph (a);

(ii) after paragraph (b) insert "or

(c) care or support for a child aged 16 or 17 at a regulated establishment,";

(b) after subsection (6) insert—

"(6A) "Regulated establishment" means—

(a) a children's home in England as defined by section 1 of the Care Standards Act 2000;

(b) a residential family centre in England as defined by section 4 of that Act;

(c) an establishment in England providing accommodation in respect of which requirements under Part 2 of the Care Standards Act 2000 are applied by virtue of regulations under section 42 of that Act (power to extend application of Part 2 of that Act);

(d) youth detention accommodation in England as defined by section 248(1) of the Sentencing Act 2020;

(e) a place in Wales at which a care home service or a residential family centre service, as defined by Schedule 1 to the Regulation and Inspection of Social Care (Wales) Act 2016 (anaw 2), is provided;

(f) a place in Wales at which accommodation is provided to disabled children and which is notified to the Welsh Ministers in accordance with regulations under section 2 of that Act;

(g) youth detention accommodation in Wales as defined by section 188(1) of the Social Services and Well-being (Wales) Act 2014 (anaw 4).";

(c) in subsection (7) after "social care" insert ", or care or support at a regulated establishment,".

(3) In section 21 (ill-treatment or wilful neglect: care provider offence)—

(a) in subsection (2)(a), for the words after "the provision of" to the end substitute "regulated care, or";

(b) after subsection (2) insert—

"(2A) "Regulated care" means—

(a) health care for an adult or child, other than excluded health care,

(b) social care for an adult, or

(c) care or support for a child provided at a regulated establishment.";

(c) in subsection (3)—

(i) in paragraph (b) for "health care or social care as part of health care or social care" substitute "regulated care as part of such care";

(ii) in the words after that paragraph for "health care or social care", at both places where those words appear, substitute "regulated care";

(d) in subsection (4) for "health care or social care" substitute "regulated care";

(e) in subsection (7)(a), for "health care or social care" substitute "regulated care";

(f) in subsection (8), for "health care or social care" substitute "regulated care";

(g) in subsection (9), in the second definition, after ""health care"" insert ", "regulated establishment"".

(4) In section 25 (care provider offence: liability for ancillary and other offences)—

(a) in subsection (4)—

(i) omit "or" after paragraph (a);

(ii) after paragraph (b) insert ", or

(c) the provision of care or support for a child at a regulated establishment.";

(b) in subsection (5), in the second definition—

(i) before ""health care"" insert ""child",";

(ii) after ""health care"" insert ", "regulated establishment"".

Corporate parenting

23 Corporate parenting responsibilities

(1) It is the duty of every relevant authority when exercising its functions—

(a) to be alert to matters which adversely affect, or might adversely affect, the wellbeing of looked-after children and relevant young people;

(b) to assess what services or support provided by the authority are or may be available for looked-after children and relevant young people;

(c) to seek to provide opportunities for looked-after children and relevant young people to participate in activities designed to promote their wellbeing or enhance their employment prospects;

(d) to take such action as the authority considers appropriate to help looked-after children and relevant young people—

(i) to make use of services, and access support, provided by the authority, and

(ii) to access opportunities provided by the authority in pursuance of paragraph (c).

(2) The duty imposed by subsection (1)—

(a) applies to a relevant authority only so far as compliance with the duty—

(i) is consistent with the proper exercise of its functions, and

(ii) is reasonably practicable, and

(b) does not apply as mentioned in section 24.

(3) "Relevant authority" means a person listed, or within a description listed, in Part 1 of Schedule 1.

(4) "Looked-after child" means a person aged under 18 who is—

(a) looked after by a local authority for the purposes of the Children Act 1989, the Social Services and Well-being (Wales) Act 2014 (anaw 4) or the Children (Scotland) Act 1995, or

(b) looked after by an authority for the purposes of the Children (Northern Ireland) Order 1995 (S.I. 1995/755 (N.I. 2)).

(5) "Relevant young person" means a person who—

(a) is aged 16 or over but under 25, and

(b) was a looked-after child on their 16th birthday or at any subsequent time but is no longer a looked-after child.

24 Cases in which duty under section 23(1) does not apply

(1) The duty under section 23(1) does not apply in relation to the exercise of—

(a) any function of the Secretary of State in relation to immigration, asylum or nationality, or

(b) any general customs function of the Secretary of State.

(2) In subsection (1)(b), "general customs function" has the same meaning as in Part 1 of the Borders, Citizenship and Immigration Act 2009 (see section 1(8) of that Act).

(3) The duty under section 23(1) does not apply in relation to—

(a) the exercise of a function in or as regards Scotland to the extent that the function could be conferred by provision that would be within the legislative competence of the Scottish Parliament if it were contained in an Act of that Parliament (see section 29 of the Scotland Act 1998);

(b) the exercise of a function in relation to Wales to the extent that the function could be conferred by provision that would be within the legislative competence of Senedd Cymru if it were contained in an Act of the Senedd (see section 108A of the Government of Wales Act 2006);

(c) the exercise of a function in or as regards Northern Ireland to the extent that the function could be conferred by provision that—

(i) would be within the legislative competence of the Northern Ireland Assembly if it were contained in an Act of the Assembly (see section 6 of the Northern Ireland Act 1998), and

(ii) would not, if it were contained in a Bill in the Northern Ireland Assembly, result in the Bill requiring the consent of the Secretary of State under section 8 of that Act.

25 Corporate parenting duty: collaborative working

(1) Relevant authorities and local authorities in England must, so far as reasonably practicable, collaborate with each other when performing their corporate parenting duty where they consider that doing so would safeguard or promote the wellbeing of looked-after children or relevant young people.

(2) In subsection (1), "corporate parenting duty" means—

(a) in the case of a relevant authority, the duty under section 23(1);

(b) in the case of a local authority in England, the duty under section 1(1) of the Children and Social Work Act 2017.

(3) Collaboration under subsection (1) may in particular include—

(a) sharing information;
(b) providing advice or assistance;
(c) co-ordinating activities (and seeking to prevent unnecessary duplication).

(4) Subsection (1) is not to be read as requiring or authorising a disclosure of information which is prohibited by any of Parts 1 to 7 or Chapter 1 of Part 9 of the Investigatory Powers Act 2016.

(5) In this section—

"local authority in England" has the same meaning as in section 1 of the Children and Social Work Act 2017;

"relevant authority", "looked-after children" and "relevant young people" have the same meaning as in section 23.

(6) In section 1 of the Children and Social Work Act 2017, after subsection (4) insert—

"(5) See also section 25 of the Children's Wellbeing and Schools Act 2026, which requires local authorities in England to collaborate with other bodies in performing their respective corporate parenting duties."

26 Duty to have regard to guidance

(1) A relevant authority must have regard to any guidance given by the Secretary of State as to the performance of the duty under section 23(1).

(2) Guidance for the purposes of this section may in particular include guidance about—
(a) how the duty under section 23(1) applies in relation to a particular relevant authority or to relevant authorities of a particular description;
(b) outcomes which a relevant authority should seek to achieve in performing the duty.

(3) Before giving guidance, the Secretary of State must consult—
(a) those relevant authorities to which the guidance relates, and
(b) such other persons as the Secretary of State considers appropriate.

(4) In this section, "relevant authority" has the same meaning as in section 23.

27 Reports by Secretary of State

(1) The Secretary of State must, after the end of each relevant three-year period, lay before Parliament a report on how the Secretary of State has performed the duty under section 23(1) during that period.

(2) In subsection (1), "relevant three-year period" means—
(a) the period of three years beginning with the day on which this section comes into force, and
(b) each subsequent period of three years.

Employment of children

28 Employment of children in England and Wales

(1) The Children and Young Persons Act 1933 is amended as follows.

(2) For section 18 substitute—

"**18 Restrictions on employment of children**

(1) A child may not be employed to work—

(a) so long as the child is under the age of 14 (subject to regulations under subsection (2));

(b) to do any work other than light work;

(c) to do work of a description specified in regulations made by the appropriate national authority;

(d) before 7.00 a.m. or after 8.00 p.m. on any day;

(e) on any day on which the child is required to attend school—

(i) for more than one hour before the start of school hours,

(ii) during school hours, or

(iii) for more than two hours in total in the day;

(f) for more than 12 hours in any week in which the child is required to attend school;

(g) for more than eight hours or, if the child is under 15, for more than five hours in any day on which the child is not required to attend school;

(h) for more than 35 hours or, if the child is under 15, for more than 25 hours in any week in which the child is not required to attend school;

(i) for more than four hours in any day without a break of one hour;

(j) at any time in a year unless at that time a person employing the child is satisfied that the child has had, or could still have, a period of at least two consecutive weeks without employment during a period in the year in which the child is not required to attend school.

(2) The appropriate national authority may by regulations authorise the employment of children aged 13 to do specified descriptions of light work.

(3) A child may not be employed to work except in accordance with a permit (a "child employment permit") granted by a local authority on an application made in accordance with regulations made by the appropriate national authority.

(4) The appropriate national authority may by regulations—

(a) make provision in relation to child employment permits;

(b) provide that subsection (3) does not apply in specified cases or circumstances;

(c) make provision about the keeping of records.

(5) The provision that may be made in reliance on subsection (4)(a) includes provision—

(a) authorising a local authority to request such information as the authority considers appropriate, or to require a child to have a medical examination, for the purpose of enabling the authority to determine an application;

(b) requiring a local authority to have regard to specified matters when determining an application;

(c) for the grant of a child employment permit subject to conditions determined by a local authority;

(d) requiring a child employment permit to contain specified information;

(e) authorising a local authority to vary, suspend or revoke a child employment permit in specified circumstances;

(f) about appeals against—

(i) a decision to reject an application, or

(ii) the revocation of a child employment permit;

(g) imposing requirements on persons employing children (including requirements to produce child employment permits for inspection);

(h) requiring or authorising a local authority, in specified circumstances, to disclose information about a child employment permit to another local authority in England or Wales or to a local authority in Scotland.

(6) The appropriate national authority may by regulations make provision (subject to subsection (1) and regulations under subsection (2))—

(a) specifying the number of hours in each day, or in each week, for which children may be employed, and the times of day at which they may be employed;

(b) specifying the intervals to be allowed to children for meals and breaks, when in employment;

(c) about entitlement to leave;

(d) specifying other conditions to be met in relation to the employment of children.

(7) Nothing in this section, or in regulations made under any provision of this section, prevents a child from doing anything—

(a) under the authority of a licence granted under this Part, or

(b) in a case where by virtue of subsection (3) of section 37 of the Children and Young Persons Act 1963 no licence under that section is required for the child to do it.

(8) In this section—

"appropriate national authority" means—

(a) in relation to England, the Secretary of State;

(b) in relation to Wales, the Welsh Ministers;

"light work" means work which, on account of the inherent nature of the tasks which it involves and the particular conditions under which they are performed—

(a) is not likely to be harmful to the safety, health or development of children, and

(b) is not such as to be harmful to their education (through attendance at school or otherwise) as required by section 7 of the Education Act 1996 or to their participation in work experience in accordance with section 560 of that Act, or their capacity to benefit from the education received or the experience gained (as the case may be);

"local authority in Scotland" means a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994;

"specified", in relation to regulations made under any provision of this section, means specified in the regulations;

"week" means any period of seven consecutive days;

"year" means a period of 12 months beginning with 1 January.

18A Regulations under section 18: further provision

(1) Regulations under section 18 may—

(a) make different provision for different purposes or areas;

(b) make provision subject to exceptions;

(c) make transitional or saving provision.

(2) Regulations under section 18 may provide for the processing of information in accordance with the regulations not to be in breach of—

(a) any obligation of confidence owed by the person processing the information, or

(b) any other restriction on the processing of information (however imposed).

(3) Regulations under section 18 made by the Secretary of State are to be made by statutory instrument.

(4) Regulations under section 18 made by the Welsh Ministers are to be made by Welsh statutory instrument.

(5) A statutory instrument containing regulations made by the Secretary of State under section 18 is subject to annulment in pursuance of a resolution of either House of Parliament.

(6) Regulations made by the Welsh Ministers under section 18 are subject to the Senedd annulment procedure (see section 37E of the Legislation (Wales) Act 2019 (anaw 4)).

(7) In this section "processing" has the same meaning as in the Data Protection Act 2018 (see section 3 of that Act)."

(3) In section 21 (penalties and legal proceedings in respect of general provisions as to employment), in subsection (1), after "byelaw" insert "or regulations".

(4) In section 28 (powers of entry), in subsection (1), after "byelaw" insert "or regulations".

(5) In section 30 (interpretation), in subsection (1), after "byelaws" insert "or regulations".

(6) In Schedule 36A to the Education Act 1996, in the table, omit the entry for section 18 of the Children and Young Persons Act 1933 (including the title of that Act).

(7) In Part 2 of Schedule 1 to the Local Government Byelaws (Wales) Act 2012 (anaw 2), in the table, in the English language and Welsh language texts, omit the entry that relates to byelaws made under section 18 of the Children and Young Persons Act 1933 (referred to as "adran 18 o Ddeddf Plant a Phobl Ifanc 1933" in the Welsh language text).

29 Employment of children in Scotland

(1) The Children and Young Persons (Scotland) Act 1937 is amended as follows.

(2) For section 28 substitute—

"**28 Restrictions on employment of children**

(1) A child may not be employed to work—

(a) so long as the child is under the age of 14 (subject to regulations under subsection (2));

(b) to do any work other than light work;

(c) to do work of a description specified in regulations made by the Scottish Ministers;

(d) before 7.00 a.m. or after 8.00 p.m. on any day;

(e) on any day on which the child is required to attend school—

(i) for more than one hour before the start of school hours,

(ii) during school hours, or

(iii) for more than two hours in total in the day;

(f) for more than 12 hours in any week in which the child is required to attend school;

(g) for more than eight hours or, if the child is under 15, for more than five hours in any day on which the child is not required to attend school;

(h) for more than 35 hours or, if the child is under 15, for more than 25 hours in any week in which the child is not required to attend school;

(i) for more than four hours in any day without a break of one hour;

(j) at any time in a year unless at that time a person employing the child is satisfied that the child has had, or could still have, a period of at least two consecutive weeks without employment during a period in the year in which the child is not required to attend school.

(2) The Scottish Ministers may by regulations authorise the employment of children aged 13 to do specified descriptions of light work.

(3) A child may not be employed to work except in accordance with a permit (a "child employment permit") granted by a local authority on an application made in accordance with regulations made by the Scottish Ministers.

(4) The Scottish Ministers may by regulations—

(a) make provision in relation to child employment permits;

(b) provide that subsection (3) does not apply in specified cases or circumstances;

(c) make provision about the keeping of records.

(5) The provision that may be made in reliance on subsection (4)(a) includes provision—

(a) authorising a local authority to request such information as the authority considers appropriate, or to require a child to have a medical examination, for the purpose of enabling the authority to determine an application;

(b) requiring a local authority to have regard to specified matters when determining an application;

(c) for the grant of a child employment permit subject to conditions determined by a local authority;

(d) requiring a child employment permit to contain specified information;

(e) authorising a local authority to vary, suspend or revoke a child employment permit in specified circumstances;

(f) about appeals against—

(i) a decision to reject an application, or

(ii) the revocation of a child employment permit;

(g) imposing requirements on persons employing children (including requirements to produce child employment permits for inspection);

(h) requiring or authorising a local authority, in specified circumstances, to disclose information about a child employment permit to another local authority in Scotland, to a local authority in England or to a local authority in Wales.

(6) The Scottish Ministers may by regulations make provision (subject to subsection (1) and regulations under subsection (2))—

(a) specifying the number of hours in each day, or in each week, for which children may be employed, and the times of day at which they may be employed;

(b) specifying the intervals to be allowed to children for meals and breaks, when in employment;

(c) about entitlement to leave;

(d) specifying other conditions to be met in relation to the employment of children.

(7) Nothing in this section, or in regulations made under any provision of this section, prevents a child from doing anything—

(a) under the authority of a licence granted under this Part, or

(b) in a case where by virtue of subsection (3) of section 37 of the Children and Young Persons Act 1963 no licence under that section is required for the child to do it.

(8) In this section—

"light work" means work which, on account of the inherent nature of the tasks which it involves and the particular conditions under which they are performed—

(a) is not likely to be harmful to the safety, health or development of children, and

(b) is not such as to be harmful to their education (through attendance at school or otherwise) as required by section 30 of the Education (Scotland) Act 1980 or to their participation in work experience in accordance with section 123 of that Act, or their capacity to benefit from the education received or the experience gained (as the case may be);

"local authority in England" and "local authority in Wales" have the same meaning as in the Education Act 1996 (see section 579(1) of that Act);

"specified", in relation to regulations made under any provision of this section, means specified in the regulations;

"week" means any period of seven consecutive days;
"year" means a period of 12 months beginning with 1 January.

28A Regulations under section 28: further provision

(1) Regulations under section 28 may—
(a) make different provision for different purposes or areas;
(b) make provision subject to exceptions;
(c) make transitional or saving provision.

(2) Regulations under section 28 may provide for the processing of information in accordance with the regulations not to be in breach of—
(a) any obligation of confidence owed by the person processing the information, or
(b) any other restriction on the processing of information (however imposed).

(3) Regulations under section 28 are subject to the negative procedure (see Part 2 of the Interpretation and Legislative Reform (Scotland) Act 2010 (asp 10)).

(4) In this section "processing" has the same meaning as in the Data Protection Act 2018 (see section 3 of that Act)."

(3) In section 31 (penalties and legal proceedings in respect of general provisions as to employment), in subsection (1), after "byelaw" insert "or regulations".

(4) In section 35 (confirmation of byelaws), in subsection (1), for "Secretary of State" substitute "Scottish Ministers".

(5) In section 36 (powers of entry), in subsection (1), after "byelaw" insert "or regulations".

(6) In section 37 (interpretation), after "byelaws" insert "or regulations".

(7) In section 38 (savings)—
(a) omit subsection (3);
(b) in subsection (4), for "The said provisions" substitute "The provisions of this Part relating to employment".

(8) In section 110(1) (interpretation), omit the definitions of "borstal institution" and "residential establishment".

PART 2

SCHOOLS

School meals, breakfast clubs etc

30 Free breakfast club provision in primary schools in England

After section 551A of the Education Act 1996 insert—

"Breakfast clubs

551B Free breakfast club provision in primary schools in England

(1) The appropriate authority of a relevant school in England must secure that breakfast club provision is available, free of charge, for all qualifying primary pupils at the school.

(2) "Breakfast club provision" means—

(a) the provision of childcare for a period of at least 30 minutes ending immediately before the start of the first school session on each school day, and

(b) the provision of breakfast before the start of the first school session on each school day.

(3) The references in subsection (2) to the provision of childcare and breakfast are to their provision on the school premises or on suitable premises in the vicinity of the school premises.

(4) The duty under subsection (1) does not apply in relation to a relevant school on any school day in which—

(a) there is only one school session, and

(b) that session begins in the afternoon.

(5) Food and drink provided pursuant to subsection (2)(b) may, subject to the applicable food standards duty, take such form as the appropriate authority thinks fit.

(6) In this section and sections 551C and 551D—

"the appropriate authority" means—

(a) in relation to an Academy school, an alternative provision Academy or a non-maintained special school, the proprietor;

(b) in relation to a maintained school, the governing body;

(c) in relation to a pupil referral unit, the local authority which maintains the unit;

"qualifying primary pupil", in relation to a relevant school, means a junior pupil who is a registered pupil at the school and—

(a) is of compulsory school age, or

(b) is not of compulsory school age but is in reception at the school;

"relevant school" means—

(a) an Academy school,

(b) an alternative provision Academy,

(c) a maintained school,

(d) a non-maintained special school, or

(e) a pupil referral unit,

other than where established in a hospital.

(7) In this section—

"the applicable food standards duty" means—

(a) the duty imposed by section 114A(4) of SSFA 1998 (including as applied in relation to a non-maintained special school by regulations under section 342(4)(a) of this Act), or

(b) in relation to an Academy school or an alternative provision Academy, a duty contained in Academy arrangements relating to the school that is equivalent to the duty imposed by section 114A(4) of SSFA 1998 (see section 512C of this Act);

"childcare" has the meaning given by section 18 of the Childcare Act 2006;

"maintained school" means—

(a) a community, foundation or voluntary school, or

(b) a community or foundation special school;

"non-maintained special school" has the meaning given by section 337A;

"reception" means a year group in which the majority of children will, in the school year, attain the age of 5;

"SSFA 1998" means the School Standards and Framework Act 1998.

551C Power to exempt schools from duty under section 551B(1)

(1) The Secretary of State may, on an application made by the appropriate authority of a relevant school, by notice given to the appropriate authority designate the school as one to which the duty under section 551B(1) does not apply.

(2) Before making an application under subsection (1), the appropriate authority of a relevant school must consult—

(a) parents of qualifying primary pupils at the school, and

(b) the local authority for the area in which the school is situated.

(3) An application under subsection (1) must be made in accordance with such requirements as may be prescribed.

(4) The Secretary of State may designate a relevant school under subsection (1) only if satisfied that requiring the appropriate authority to discharge the duty under section 551B(1)—

(a) would seriously prejudice the efficient use of resources, or

(b) would be contrary to the best interests of qualifying primary pupils at the school,

having regard to the particular circumstances of the school or of qualifying primary pupils at the school or any other relevant factor.

(5) A designation under subsection (1) has effect for the period specified in the notice under that subsection (and the period may be indefinite).

(6) A designation under subsection (1) may be varied or revoked by a further designation.

(7) The Secretary of State must—

(a) keep a list of relevant schools in relation to which a designation under subsection (1) has effect, and

(b) make the list publicly available.

551D Guidance in connection with breakfast club provision

(1) The Secretary of State must issue guidance to the appropriate authorities of relevant schools in England with respect to—

(a) the discharge of the duty imposed on those appropriate authorities by section 551B(1);

(b) applications for a designation under section 551C(1);

(c) the exercise by the Secretary of State of the power conferred by section 551C(1).

(2) The appropriate authority of a relevant school in England must have regard to guidance issued under this section in connection with—

(a) the discharge of the duty under section 551B(1);

(b) the making of an application for a designation under section 551C(1).

(3) The Secretary of State may from time to time revise guidance issued under this section."

31 Food and drink provided at Academies

(1) In section 512B of the Education Act 1996 (provision of school lunches: Academies), after subsection (3) insert—

"(4) Subsections (1) and (3) apply to an agreement under section 482 in relation to a city technology college or a city college for the technology of the arts as they apply to Academy arrangements in relation to an Academy school or an alternative provision Academy."

(2) After section 512B of the Education Act 1996 insert—

"**512C School food standards: Academies**

(1) Academy arrangements in relation to an Academy school or an alternative provision Academy must include—

(a) provision imposing requirements relating to food or drink provided for registered pupils that are equivalent to the requirements prescribed by regulations under section 114A(1) of the School Standards and Framework Act 1998 (food and drink provided on premises of maintained schools etc), and

(b) provision imposing duties on the proprietor that are equivalent to the duties imposed by section 114A(4) and (6) of that Act on a local authority or the governing body of a school maintained by a local authority.

(2) Subsection (1) applies only to the extent that the provision mentioned there is not already required to be included in Academy arrangements by section 512B.

(3) Academy arrangements in relation to an Academy (other than a 16 to 19 Academy) that are entered into before the day on which section 31 of the Children's Wellbeing and Schools Act 2026 comes into force are to be treated

as if they included the provision required by subsection (1), to the extent that they do not otherwise include such provision.

(4) Subsections (1) and (3) apply to an agreement under section 482 in relation to a city technology college or a city college for the technology of the arts as they apply to Academy arrangements in relation to an Academy school or an alternative provision Academy."

32 Free school lunches: eligibility

In section 512ZB of the Education Act 1996 (free school lunches and milk)—

(a) in subsection (2)(a), for "subsection (4) or (4A) (or both)" substitute "subsection (4), (4A) or (4D)";

(b) after subsection (4C) insert—

"(4D) A person is within this subsection if—

(a) they are a registered pupil at a maintained school or pupil referral unit in England,

(b) they or their parent is in receipt of universal credit, and

(c) they are not within subsection (4);

and the meaning of "maintained school" given by subsection (4C) applies for the purposes of this subsection."

33 Free school meals etc: information sharing

(1) Section 110 of the Education Act 2005 (supply of information) is amended as follows.

(2) In subsection (4), after "local authority" insert "or the appropriate authority of a relevant school in England".

(3) In subsection (5)—

(a) at the end of paragraph (a), omit "or";

(b) at the end of paragraph (b), insert "or

(c) to the appropriate authority of a relevant school in England,".

(4) After subsection (5) insert—

"(5A) Information to which subsection (1) or (2) applies may be supplied to the Secretary of State, or any person providing services to the Secretary of State, for use for the purpose of determining whether relevant financial assistance is payable or expendable in respect of a person in England.

(5B) Information to which subsection (2) applies may be supplied to a local authority in England or the appropriate authority of a relevant school in England for use for the purpose mentioned in subsection (5A).

(5C) Information received by virtue of subsection (5A) may be supplied—

(a) to another person to whom it could have been supplied under that subsection,

(b) to a local authority in England, or

(c) to the appropriate authority of a relevant school in England,

for use for the purpose mentioned in subsection (5A).

(5D) A person who (after receiving information by virtue of this section) makes a determination described in subsection (3) or (5A) in respect of a person in England may communicate the determination to—

(a) a parent of the person in respect of whom the determination was made,

(b) a local authority in England, or

(c) the appropriate authority of a relevant school in England.

(5E) The communication may include information about the statutory provision or the arrangements under which the person in respect of whom the determination is made is eligible for free school lunches."

(5) After subsection (6), insert—

"(6A) The references in this section to a local authority in England include references to any person exercising on behalf of such an authority functions relating to eligibility for free school lunches and milk or relating to relevant financial assistance."

(6) For subsections (7) and (8) substitute—

"(7) For the purposes of this section, determining "eligibility for free school lunches and milk" means determining—

(a) whether school lunches or milk must be provided for a person, free of charge and on request, in accordance with—

(i) section 512ZB(2) or (3) of the Education Act 1996,

(ii) regulations under section 342 of that Act (non-maintained special schools), or

(iii) Academy arrangements;

(b) whether school lunches or milk may or must be provided for a person, free of charge, by a local authority in England or the appropriate authority of a relevant school in England in accordance with one or both of the following—

(i) the terms of relevant financial assistance;

(ii) guidance issued by the Secretary of State.

(8) The reference to school lunch in subsection (7)(b) includes food equivalent to a school lunch provided for a person educated otherwise than at school.

(8A) In this section—

"the appropriate authority" means—

(a) in relation to a community, foundation or voluntary school or a community or foundation special school, the governing body;

(b) in relation to a pupil referral unit, the local authority which maintains the unit;

(c) in relation to any other kind of relevant school, the proprietor;

"functions relating to social security" includes functions relating to Part 6 of the Immigration and Asylum Act 1999;

"relevant financial assistance" means financial assistance given under section 14 of the Education Act 2002—

(a) to a local authority in England or the appropriate authority of a relevant school in England, and

(b) in connection with child welfare or the provision of education;

"relevant school" means—

(a) an Academy school,

(b) an alternative provision Academy,

(c) a community, foundation or voluntary school,

(d) a community or foundation special school,

(e) a non-maintained special school (within the meaning given by section 337A of the Education Act 1996),

(f) a pupil referral unit, or

(g) a city technology college or city college for the technology of the arts;

"school lunch" has the same meaning as in section 512 of the Education Act 1996."

Allergy safety

34 Allergy safety policy for pupils at schools

(1) After section 100 of the Children and Families Act 2014 insert—

"**100A Allergy safety policy**

(1) The arrangements made under section 100 by the appropriate authority for a school to which that section applies must include an allergy safety policy.

(2) An "allergy safety policy" is a policy for the management of allergies affecting pupils at the school (including the management of pupils at risk of anaphylaxis).

(3) The Secretary of State may by regulations make provision about matters that must be covered in an allergy safety policy.

(4) The appropriate authority—

(a) must, at least once every year, review the school's allergy safety policy;

(b) must make such changes to the policy as it considers appropriate following a review.

(5) The appropriate authority must publicise the school's allergy safety policy in the form of a written document by—

(a) making the policy generally known within the school and to parents of pupils at the school,

(b) taking steps, at least once a year, to bring the policy to the attention of all pupils at the school and parents and all persons who work at the school (whether or not for payment), and

(c) publishing the policy on the school's website.

(6) In meeting the duties under this section, the appropriate authority must have particular regard to guidance issued for the purposes of section 100(2) that relates to the management of allergies (including anaphylaxis) in schools.

(7) The Education Act 1996 and this section are to be read as if this section were included in that Act.

100B Regulations about allergy safety

(1) The Secretary of State may by regulations impose duties on specified persons in connection with the management of allergies affecting pupils at schools to which section 100 applies (including the management of pupils at risk of anaphylaxis).

(2) Regulations under this section may in particular make provision about—

(a) the keeping of, and access to, medicinal products and medical devices on school premises and at other places where pupils at a school are under the lawful control or charge of a member of the staff of the school;

(b) procedures for identifying, and managing risks to, pupils with allergies;

(c) provision of training on the recognition and management of allergies for teaching staff, non-teaching staff, persons providing catering services at the school and such other persons as may be specified;

(d) recording and reporting of incidents.

(3) Regulations under this section may require the appropriate authority for a school to which section 100 applies to designate a specified person to have responsibility for specified matters.

(4) A person on whom a duty is imposed by regulations under this section must, in meeting the duty, have regard to guidance issued by the Secretary of State.

(5) In this section—

"appropriate authority for a school" has the same meaning as in section 100;

"specified" means specified, or of a description specified, in regulations under this section.

(6) The Education Act 1996 and this section are to be read as if this section were included in that Act."

(2) In section 342 of the Education Act 1996 (approval of non-maintained special schools), after subsection (5) insert—

"(5ZA) Regulations made by virtue of subsections (2) and (4)(a) must impose—

(a) a requirement for an allergy safety policy (within the meaning of section 100A of the Children and Families Act 2014) to be in place at a school,

(b) requirements that correspond or are similar to the duties imposed by section 100A(4) to (6) of that Act (duty to review and publicise policy etc), and

(c) requirements that correspond or are similar to the duties imposed on the appropriate authority for a school by regulations under section 100B of that Act (allergy safety regulations),

and the requirement referred to in paragraph (a) includes a requirement for the policy to comply with provision made by regulations under section 100A(3) of that Act."

(3) In section 94 of the Education and Skills Act 2008 (independent educational institution standards), after subsection (3A) (inserted by section 37(2)(b) of this Act) insert—

"(3B) Standards prescribed by virtue of subsection (1)(c) must include standards that have the effect of imposing—

(a) a requirement to secure that an allergy safety policy (within the meaning of section 100A of the Children and Families Act 2014) is in place at independent educational institutions,

(b) requirements that correspond or are similar to the duties imposed by section 100A(4) to (6) of that Act (duty to review and publicise policy etc), and

(c) requirements that correspond or are similar to the duties imposed on the appropriate authority for a school by regulations under section 100B of that Act (allergy safety regulations),

and the requirement referred to in paragraph (a) includes a requirement for the policy to comply with provision made by regulations under section 100A(3) of that Act."

School uniforms

35 School uniforms: limits on branded items

(1) The Education Act 1996 is amended as follows.

(2) In the italic heading before section 551A, omit "Costs of".

(3) After that italic heading insert—

"**551ZA School uniforms: limits on branded items**

(1) The appropriate authority of a relevant school in England—

(a) may not require a primary pupil at the school to have more than three different branded items of school uniform for use during a school year;

(b) may not require a secondary pupil at the school to have more than three different branded items of school uniform for use during a school year (or more than four different branded items of school uniform if one of those items is a tie).

(2) Where the relevant school is a middle school, the limits mentioned in subsection (1)(b) apply in relation to all pupils at that school.

(3) For the purposes of subsection (1), a pupil is required to have a branded item of school uniform for use during a school year if the pupil is required to have it—

(a) for general use at school (or for travelling to or from school) during that year, or

(b) to participate in any lesson, club, activity or event facilitated by the school during that year.

(4) "School uniform" means a bag and any clothing required for school or for any lesson, club, activity or event facilitated by the school.

(5) An item of school uniform is "branded" if—

(a) it has the school name or school logo (or for an Academy, the school or proprietor's name or logo) on or attached to it, or

(b) as a result of its colour, design, fabric or other distinctive characteristic, it is only available from particular suppliers.

(6) In this section—

"the appropriate authority" means—

(a) in relation to an Academy school, an alternative provision Academy, a non-maintained special school, a city technology college or a city college for the technology of the arts, the proprietor;

(b) in relation to a maintained school, the governing body;

(c) in relation to a pupil referral unit, the local authority;

"relevant school" means—

(a) an Academy school,

(b) an alternative provision Academy,

(c) a maintained school,

(d) a non-maintained special school,

(e) a pupil referral unit, or

(f) a city technology college or a city college for the technology of the arts,

other than where established in a hospital;

"primary pupil" means a pupil receiving primary education (or receiving education that would be primary education if it were full-time education);

"secondary pupil" means a pupil receiving secondary education (or receiving education that would be secondary education if it were full-time education);

"maintained school" means—

(a) a community, foundation or voluntary school, or

(b) a community or foundation special school;

"non-maintained special school" has the meaning given by section 337A."

(4) In section 551A (guidance about the costs of school uniforms: England), for subsections (5) and (6) substitute—

"(5) In this section "the appropriate authority" and "relevant school" have the same meanings as in section 551ZA."

Mobile phones

36 Guidance on use of mobile phones etc in schools in England

(1) In Part 10 of the Education Act 1996, after Chapter 2 insert—

"**CHAPTER 2A**

GUIDANCE ON MOBILE PHONES ETC: SCHOOLS IN ENGLAND

550C Guidance on use of mobile phones etc in schools in England

(1) The appropriate person for a school in England must have regard to guidance described in subsection (2) in exercising functions in relation to the conduct of the school.

(2) The guidance referred to in subsection (1) is guidance issued from time to time by the Secretary of State about registered pupils at schools having mobile phones and other personal interactive communication devices with them, and using them—

(a) during school hours, and

(b) on school premises.

(3) Subsections (4) to (6) apply for the purposes of this section.

(4) "Appropriate person" means—

(a) for the following kinds of school, the head teacher—

(i) a community, foundation or voluntary school;

(ii) a community or foundation special school;

(iii) a maintained nursery school;

(iv) a pupil referral unit;

(v) a school approved by the Secretary of State under section 342 (approval of non-maintained special schools);

(b) for any other kind of school, the proprietor.

(5) "School hours", in relation to a school, means any time between the start of the first school session on a school day and the end of the last school session on the same day.

(6) References to mobile phones and other personal interactive communication devices do not include references to devices provided by or on behalf of the appropriate person for a school for use by registered pupils."

(2) In section 89 of the Education and Inspections Act 2006 (determination by head teacher of behaviour policy), after subsection (6) insert—

"(7) If a notification or guidance given under section 88(2)(b) to the head teacher of a relevant school in England is inconsistent with guidance to which head teachers of relevant schools in England are required to have regard by section 550C of EA 1996 (guidance on use of mobile phones etc), the duty under subsection (2)(b) does not apply to the extent of the inconsistency."

Children not in school

37 Withdrawal of children from school: local authority involvement

(1) After section 434 of the Education Act 1996 insert—

"Withdrawal of children from school: local authority involvement

434A Local authority consent for withdrawal of certain children from school

(1) A parent of a relevant child must obtain the consent of the relevant local authority to withdraw the child from school if the parent intends—

(a) that the child should cease to attend the school at which the child is a registered pupil, and

(b) to withdraw the child from school for the purpose of causing the child to receive education otherwise than at school.

(2) A child is a "relevant child" for the purposes of this section if—

(a) the child is of compulsory school age,

(b) the child is a registered pupil at a school, and

(c) condition A or condition B is met in respect of the child.

(3) Condition A is that the child became a registered pupil under arrangements made by a local authority at—

(a) a special school within the meaning of section 337, or

(b) an independent school within the meaning of section 463 which—

(i) in the case of a school in England, is specially organised to make special educational provision for pupils with special educational needs;

(ii) in the case of a school in Wales, is wholly or mainly concerned with providing full-time education to persons for whom an individual development plan is maintained.

(4) Condition B is that a local authority is—

(a) conducting enquiries under section 47 of the Children Act 1989 (duty to investigate) in respect of the child, or

(b) taking action under section 47(8) of that Act to safeguard or promote the child's welfare, in a case where the enquiries mentioned in paragraph (a) have led the local authority to conclude that the child is suffering, or is likely to suffer, significant harm (within the meaning of section 31(9) and (10) of that Act), or has taken such action during the period of five years ending with the date on which an application is made under subsection (6).

(5) Where the proprietor of a school is notified by a parent of a child who is a registered pupil at the school that the parent intends to withdraw the child from school for the purpose of causing the child to receive education otherwise than at school, the proprietor must notify—

(a) the local authority responsible for the area in which the school is located, and

(b) the local authority responsible for the child, if different from the local authority mentioned in paragraph (a).

(6) If a parent of a relevant child applies to the relevant local authority for consent to withdraw the child from school for the purpose of causing the child to receive education otherwise than at school, the authority—

(a) must decide without undue delay whether to grant consent, and

(b) must refuse consent if the local authority considers—

(i) that it would be in the child's best interests to receive education by regular attendance at school, or

(ii) that no suitable arrangements have been made for the education of the child otherwise than at school,

but otherwise must grant consent.

(7) An application mentioned in subsection (6) may also be made by the proprietor of a school at which the relevant child is a registered pupil, on behalf of the child's parent, and with the consent of the parent.

(8) The relevant local authority must serve notice of the decision under subsection (6) on—

(a) the parent who made the application, or on whose behalf the application was made,

(b) any other parent of the child, where contact details of that parent are known, unless exceptional circumstances apply, and

(c) the proprietor of a school at which the relevant child is a registered pupil.

(9) Regulations under section 434—

(a) must provide that, where consent of the relevant local authority is required under subsection (1) in respect of a relevant child, the proprietor of a school must not allow the deletion from the school's register of the name of that child unless the proprietor receives notice that the relevant local authority has granted consent under this section in respect of that child, and

(b) may make provision to require the proprietor of a school to arrange to take, or not to take, any other steps specified in the regulations in relation to the registration of a registered pupil at the school where a relevant local authority has granted or refused consent under subsection (6).

(10) If a parent is aggrieved by a decision of the relevant local authority to grant consent under subsection (6)—

(a) the parent may refer the question to—

(i) the Secretary of State, in relation to a local authority in England, and

(ii) the Welsh Ministers, in relation to a local authority in Wales, and

(b) the Secretary of State or the Welsh Ministers (as the case may be) may—

(i) uphold the decision of the local authority, or

(ii) refer the question back to the local authority to determine.

(11) If a parent is aggrieved by a decision of the relevant local authority to refuse consent under subsection (6)—

(a) the parent may refer the question to—

(i) the Secretary of State, in relation to a local authority in England, and

(ii) the Welsh Ministers, in relation to a local authority in Wales, and

(b) the Secretary of State or the Welsh Ministers (as the case may be) may—

(i) give such direction determining the question as the Secretary of State considers, or the Welsh Ministers consider, appropriate, or

(ii) refer the question back to the local authority to determine.

(12) If a subsequent application is made in relation to a relevant child in respect of whom the relevant local authority has previously refused consent under subsection (6), the authority is only required to make a new decision under subsection (6)(a) if a period of 6 months has elapsed since the date of the previous application.

(13) In this section, a "relevant local authority", in relation to a relevant child, means—

(a) where the child is a relevant child as a result of condition A (but not condition B) being met in respect of the child, the local authority that made the arrangements mentioned in subsection (3);

(b) where the child is a relevant child as a result of condition B (but not condition A) being met in respect of the child, the local authority conducting enquiries or taking action as mentioned in subsection (4);

(c) where the child is a relevant child as a result of conditions A and B being met in respect of the child, the local authority conducting enquiries or taking action as mentioned in subsection (4).

434B Mandatory local authority meetings prior to withdrawal of child from school

(1) The appropriate national authority must, by regulations made before the end of the relevant period, make a scheme ("a pilot scheme") to provide—

(a) that the parent of a child must attend and participate in a meeting with the local authority responsible for the child if the parent intends—

(i) that the child should cease to attend the school at which the child is a registered pupil, and

(ii) to withdraw the child from school for the purpose of causing the child to receive education otherwise than at a school,

(b) that the local authority must ensure that the following matters are discussed with the parent during the meeting—

(i) the duty of parents under section 7 and how the parent plans to meet this duty;

(ii) the duties of the local authority, including the support duty under section 436G;

(iii) the parent's reasons for considering that the child should receive education otherwise than at school;

(iv) any support needs that the child may have and how those needs could be met;

(v) the safeguarding and welfare of the child;

(vi) anything else relevant to the decision to withdraw the child from school,

(c) that the child must attend the meeting unless exceptional circumstances apply,

(d) that a representative of the school at which the child is a registered pupil must attend the meeting if the parent consents to the representative's attendance,

(e) that the proprietor of a school must not allow the deletion from the school's register of the name of the child unless the proprietor receives notice from the local authority that the meeting has taken place in respect of the child, and

(f) that the local authority must record the outcome of the meeting or whether the meeting was refused.

(2) The "relevant period" is the period of two years beginning with the day on which section 37 of the Children's Wellbeing and Schools Act 2026 comes fully into force.

(3) The regulations must also specify—

(a) the local authorities in respect of which the pilot scheme will operate, and

(b) the period for which the scheme has effect.

(4) The number of local authorities specified under subsection (3)(a) must not exceed 30 per cent of all local authorities in England or 30 per cent of all local authorities in Wales as the case may be.

(5) The period specified under subsection (3)(b) must not be less than two years and must not exceed five years.

(6) The regulations may provide for exemptions from the pilot scheme in respect of descriptions of children as specified in the regulations.

(7) The regulations may make provision for, or in connection with, any arrangements that the appropriate national authority considers are required to ensure that the pilot scheme can operate.

(8) The provision that may be made by virtue of subsection (7) includes—

(a) provision modifying or amending the pilot scheme for the purpose of ensuring that the scheme can operate in relation to children falling within section 434A;

(b) provision modifying or amending section 434A for the purpose of ensuring that the pilot scheme can operate in relation to children falling within that section.

(9) Subject to subsection (10), the appropriate national authority may by regulations—

(a) make provision to end the pilot scheme;

(b) provide that the provisions mentioned in paragraphs (a) to (f) of subsection (1) have effect, after the expiry of the pilot scheme, in relation to all local authorities, subject to any exemptions for descriptions of children as specified in the regulations;

(c) amend section 434A for the purpose of ensuring that the grant of local authority consent to withdraw a child from school under that section is conditional on the parent of that child attending and participating in a meeting with the local authority responsible for the child, as described in paragraphs (a) to (f) of subsection (1), subject to any exemptions for descriptions of children as specified in the regulations;

(d) make provision for, or in connection with, any arrangements that the appropriate national authority considers are required to ensure that any provision made under paragraphs (a) to (c) can operate.

(10) Regulations under subsection (9) may be made only after the pilot scheme has operated for a period of no less than two years.

(11) Before making any regulations under this section, the appropriate national authority must consult such persons as the appropriate national authority considers appropriate.

(12) In this section "appropriate national authority" means—

(a) in relation to England, the Secretary of State;

(b) in relation to Wales, the Welsh Ministers.

(13) If a draft of a statutory instrument containing regulations made by the Secretary of State under this section would, apart from this subsection, be treated for the purposes of the standing orders of either House of Parliament as a hybrid instrument, it is to proceed in that House as if it were not such an instrument."

(2) In section 569 of that Act (regulations)—

(a) in subsection (2A), after "section" insert "434B,";

(b) in subsection (2BB), after "section" insert "434B or".

38 Registration

(1) The Education Act 1996 is amended as follows.

(2) After section 436A insert—

"Children not in school

436B Duty to register children not in school

(1) A local authority must maintain a register of children who are eligible to be registered by the authority under this section.

(2) A child is eligible to be registered by a local authority under this section if conditions A to C are met.

(3) Condition A is that the child lives in the authority's area.

(4) Condition B is that the child is of compulsory school age.

(5) Condition C is that—

(a) the child is not a registered pupil or a student registered at a relevant school,

(b) the child is a registered pupil or a student registered at a relevant school but the proprietor of the school has arranged or agreed that—

(i) the child will receive education otherwise than at that or any other relevant school, and

(ii) the child will be absent for some or all of the time when a child receiving full-time education at a relevant school would normally be expected to attend, or

(c) the child is a student registered at a relevant school falling within subsection (7)(d) but attends that school on a part-time basis, and is not also a registered pupil or a student registered at a different relevant school.

(6) Regulations may make provision—

(a) for cases where a child is to be regarded as falling or not falling within subsection (5)(b) or (c);

(b) for cases where a child falling within subsection (5)(b) or (c) is not to be regarded as eligible for registration under this section.

(7) In this section "relevant school" means—

(a) a school maintained by a local authority,

(b) a non-maintained special school (within the meaning given by section 337A),

(c) an Academy school or alternative provision Academy,

(d) an institution within the further education sector that provides secondary education suitable to the requirements of children who have attained the age of 14 years,

(e) an independent educational institution within the meaning of section 92(1) of the Education and Skills Act 2008, that is registered under section 95 of that Act (register of independent educational institutions),

(f) a school that is included in the register of independent schools in Wales (kept under section 158 of the Education Act 2002), or

(g) a school within the meaning of section 135(1) of the Education (Scotland) Act 1980.

(8) Before the end of the period of 15 days beginning with the day on which the local authority registers a child under this section, the local authority—

(a) must consider where the child lives, and

(b) may request the child's parent to allow the local authority to visit the child inside any of the homes in which the child lives.

(9) If a request under subsection (8)(b) is refused by the person to whom it is made, the local authority must consider that to be a relevant factor in determining whether to serve a preliminary notice under section 436H.

(10) Before the end of the period of 15 days beginning with the day on which the local authority includes in the register the information mentioned in section 436C(1)(g) in respect of a child, the local authority must consider the settings where the child is being educated that the local authority knows about.

436C Content and maintenance of registers

(1) A register under section 436B must contain the following information in respect of a child registered in it—

(a) the child's name, date of birth and home address, and if the child has lived at their current address for less than 12 months, their previous address;

(b) any additional address if the child lives at more than one address;

(c) the name and home address of each parent of the child;

(d) the name of each parent who is providing education to that child;

(e) an estimate of the overall total amount of time that the child spends receiving education from parents of the child;

(f) an estimate of the overall total amount of time that the child spends receiving education from persons other than parents of the child;

(g) if a particular provider other than the child's parent is providing education to the child for more than the prescribed amount of time—

(i) the name and address of the provider;

(ii) a description of the type of provider that it is;

(iii) the postal address of each place where that education is provided (where different from the address in sub-paragraph (i)) or the website or email address of the provider if that education is provided virtually;

(iv) an estimate of the total amount of time that the child spends receiving that education and an estimate of the amount of time the child spends receiving that education without any parent of the child being actively involved in the tuition or supervision of the child.

(2) To the extent that the local authority has the information or can reasonably obtain it, a register under section 436B must also contain such information about, or in connection with, the following matters in respect of a child registered in it as may be prescribed—

(a) the child's protected characteristics (within the meaning of the Equality Act 2010);

(b) in the case of a child who is in the area of a local authority in England, whether the child has any special educational needs, including whether the local authority maintains an EHC plan for the child;

(c) in the case of a child who is in the area of a local authority in Wales, whether the child has any additional learning needs, including whether an individual development plan is maintained for the child;

(d) any enquiries being made or that have been made by a local authority under section 47 of the Children Act 1989 (local authority's duty to investigate) and any actions that are being taken or have been taken by the authority or any other local authority following, or in connection with, enquiries under that section;

(e) whether the child is or has ever been a child in need for the purposes of Part 3 of the Children Act 1989 (see section 17(10) of that Act) and, if so, any actions that a local authority is taking or has taken

in relation to the child under that Part and any services that a local authority is providing or has provided to the child in the exercise of functions conferred on the authority by section 17 of that Act;

(f) whether the child has ever been assessed as having needs for care and support for the purposes of Part 4 of the Social Services and Well-being (Wales) Act 2014 (anaw 4) (see section 32(1) of that Act) and, if so, any actions that a local authority is taking or has taken in relation to the child under that Part (or Part 4 or 5 of the Children Act 1989) and any services that a local authority is providing or has provided to the child in the exercise of functions conferred on the authority by or under that Part (or Part 4 or 5 of the Children Act 1989);

(g) whether the child is or has ever been looked after by a local authority in England (within the meaning of section 22 of the Children Act 1989) or in Wales (within the meaning of section 74 of the Social Services and Well-being (Wales) Act 2014);

(h) the reasons why the child meets condition C in section 436B, including any information provided by a parent of the child as to those reasons or, in a case where a parent has not provided that information, the fact that they have not done so;

(i) whether, under arrangements made under section 436A, the child has been identified as a child who is of compulsory school age but who is not a registered pupil at a school and is not receiving suitable education otherwise than at a school;

(j) the school or institution or the type of school or institution (if any) that the child attends or has attended in the past;

(k) whether support is being provided in relation to the child under section 436G and, if so, the nature of the support being provided;

(l) any actions that have been taken by a local authority in relation to the child under sections 436I to 436Q (school attendance orders);

(m) whether—

(i) in the case of a child in England, the child is a young carer within the meaning of section 17ZA(3) of the Children Act 1989, as qualified by section 17ZB(3) of that Act, or

(ii) in the case of a child in Wales, the child is a carer (within the meaning of "child" and "carer" given by section 3 of the Social Services and Well-being (Wales) Act 2014);

(n) whether the local authority exercised any of its functions under section 436B(8), (9) or (10), 436H(8) or (9), or 436I(3) in relation to the child and the outcomes of any consideration of home and education settings or home visits conducted under those provisions;

(o) any other information about the child's characteristics, circumstances, needs or interactions with a local authority or educational institutions that the Secretary of State considers, or the Welsh Ministers consider (as the case may be), should be included in the register for the purposes of promoting or safeguarding the education or welfare of children.

(3) A register under section 436B may also contain any other information the local authority considers appropriate.

(4) Regulations may, in relation to a register under section 436B, make provision about—

(a) how a local authority must maintain the register, including provision relating to—

(i) how the register is to be kept up-to-date;

(ii) the making of changes to the register;

(b) the form of the register;

(c) publication of the register;

(d) registration forms;

(e) how amounts of time and estimates of amounts of time are to be calculated and recorded for the purposes of subsection (1)(e), (f) and (g)(iv);

(f) publicising the register and duties of persons in relation to the register.

(5) No information from a register under section 436B may be published, or made accessible to the public, in a form—

(a) which includes the name or address of a child who is eligible to be registered under that section or of a parent of such a child, or

(b) from which the identity of such a child or parent can be deduced, whether from the information itself or from that information taken together with any other published information.

(6) In subsection (1)(g), "prescribed amount of time" means an amount of time prescribed—

(a) by reference to a number of hours in, or a proportion of, a week or other period;

(b) by reference to a proportion of the time a child spends receiving education;

(c) in any other way.

436D Provision of information to local authorities: parents

(1) A parent of a child who is eligible to be registered by a local authority under section 436B must—

(a) inform the local authority that the child is eligible for registration, and

(b) provide the authority with any of the information referred to in section 436C(1) that the parent has.

(2) A parent of a child who is registered by a local authority under section 436B must—

(a) provide the authority, on request, with any of the information referred to in section 436C(1) that the parent has,

(b) inform the authority of a change, of which the parent is aware, to any of the information required to be included in the register under section 436C(1)(a) to (d),

(c) inform the authority, on request, if there have been any changes, of which the parent is aware, to any of the information mentioned in section 436C(1)(e), (f) or (g) since the information was last provided to the authority, and provide the authority with information about those changes, or confirm that there have been no changes, and

(d) inform the authority if the child ceases to be eligible to be registered by that authority under section 436B as a result of no longer meeting Condition A (see subsection (3) of that section) or Condition C (see subsection (5) of that section).

(3) A local authority—

(a) must make a request mentioned in subsection (2)(c) in relation to each child registered by the local authority under section 436B at least once a year, but

(b) may not make such a request more frequently than once every three months.

(4) A person must comply with a duty under subsection (1) or (2) before the end of the relevant period.

(5) In subsection (4) "relevant period" means—

(a) in the case of the duty in subsection (1)(a) or (b), the period of 15 days beginning with the date on which the child becomes eligible for registration by the local authority;

(b) in the case of the duty in subsection (2)(a), such period of not less than 15 days as the local authority specify in the request;

(c) in the case of the duty in subsection (2)(b), the period of 15 days beginning with the date on which the parent becomes aware of the change;

(d) in the case of the duty in subsection (2)(c), such period of not less than 15 days as the local authority specify in the request;

(e) in the case of the duty in subsection (2)(d), the period of 15 days beginning with the date on which the child ceases to be eligible to be registered by the local authority under section 436B.

(6) The duties in subsections (1) and (2) do not apply where the child is receiving full-time education by the following means—

(a) arrangements made by the local authority under section 19 (in England) or section 19A (in Wales);

(b) arrangements made by the proprietor of a relevant school at which the child is a registered pupil;

(c) where the local authority is a local authority in England, arrangements made by the local authority under section 61 of the Children and Families Act 2014 (special educational provision otherwise than in schools, post-16 institutions etc);

(d) where the local authority is a local authority in Wales, arrangements made by the local authority under section 53 of the Additional Learning Needs and Education Tribunal (Wales) Act 2018 (anaw 2) (additional learning provision otherwise than in schools);

(e) any combination of the arrangements mentioned in paragraphs (a) to (d);

(f) any one or more of the arrangements mentioned in paragraphs (a) to (d) and attendance at a relevant school.

(7) In this section "relevant school" has the same meaning as in section 436B.

436E Provision of information to local authorities: education providers

(1) This section applies where a local authority reasonably believes that—

(a) a person is providing out-of-school education to a child for more than the prescribed amount of time without any parent of the child being actively involved in the tuition or supervision of the child, and

(b) the child is, or is eligible to be, registered by the authority under section 436B.

(2) In this section—

(a) "out-of-school education" means any programme or course of education, or any other kind of structured education, that is provided otherwise than as part of the education provided by a relevant school (within the meaning of section 436B);

(b) "prescribed amount of time" means an amount of time prescribed—

(i) by reference to a number of hours in, or a proportion of, a week or other period;

(ii) by reference to a proportion of the time a child spends receiving education;

(iii) in any other way.

(3) The authority may by notice require the person—

(a) to confirm whether or not the person is providing out-of-school education as mentioned in subsection (1)(a) to any child living in England or Wales (whether or not that child lives in the authority's area) or has provided such education at any time during the period of three months ending with the date of the notice, and

(b) to provide the authority with the following information in relation to any child living in England or Wales (whether or not that child lives in the authority's area) to whom they are providing such education, or to whom they have provided such education during that three month period—

(i) the child's name, date of birth and home address,

(ii) the total amount of time that they provide such education to the child, and

(iii) the amount of time that they provide such education to the child without any parent of the child being actively involved in the tuition or supervision of the child.

(4) A notice under subsection (3) is served if it is sent to or left at the place where the out-of-school education is provided (as well as in the circumstances referred to in section 572(1)).

(5) Before the end of the specified period, the person on whom a notice under subsection (3) is served must comply with the requirement in the notice.

(6) The "specified period" is the period, specified in the notice that—

(a) is at least 15 days, and

(b) begins with the day on which the notice is served.

(7) Regulations may provide for exceptions to the duty in subsection (5).

(8) Where a local authority is satisfied that a person on whom a notice under subsection (3) is served has—

(a) failed to comply with their duty under subsection (5), or

(b) provided incorrect information in response to the notice,

the authority may require the person to pay a monetary penalty to the authority in accordance with Schedule 31A.

(9) The amount of the monetary penalty is to be the prescribed amount.

(10) Subsection (8) does not apply in relation to a notice under subsection (3) that is served during the period of three months beginning with the day on which section 38 of the Children's Wellbeing and Schools Act 2026 comes into force.

436F Use of information in the register

(1) A local authority must, if the Secretary of State so directs in relation to a local authority in England, or the Welsh Ministers so direct in relation to a local authority in Wales, provide the Secretary of State or the Welsh Ministers (as the case may be) with information of a prescribed description from their register under section 436B (whether that is information relating to an individual child or aggregated information).

(2) The Secretary of State or the Welsh Ministers may provide information received under subsection (1) to a prescribed person if the Secretary of State considers or the Welsh Ministers consider (as the case may be) it appropriate to do so for the purposes of promoting or safeguarding the education or welfare of—

(a) the child to whom the information relates, or

(b) any other person under the age of 18.

(3) A local authority may provide information from their register under section 436B which relates to a child, to a person mentioned in subsection (4) if the authority considers it appropriate to do so for the purposes of promoting or safeguarding the education or welfare of—

(a) the child, or

(b) any other person under the age of 18.

(4) For the purposes of subsection (3), the persons are—

(a) a person listed in section 11(1) or 28(1) of the Children Act 2004 (arrangements to safeguard and promote welfare);

(b) Ofsted, meaning—

(i) the Office for Standards in Education, Children's Services and Skills, and

(ii) His Majesty's Chief Inspector of Education, Children's Services and Skills;

(c) His Majesty's Chief Inspector of Education and Training in Wales;

(d) the Welsh Ministers.

(5) Where a local authority becomes aware that a child registered in their register under section 436B will move, or has moved, to the area of another local authority, the local authority—

(a) must provide the other local authority with any information relating to the child which is contained in the register under or by virtue of section 436C(1) or (2), and

(b) may provide the other local authority with any other information relating to the child which is contained in the register under or by virtue of section 436C(3).

(6) Where a local authority in Scotland or Northern Ireland makes a request for information from a register under section 436B held by a local authority in England or Wales, the local authority receiving the request may provide the information if that authority considers it appropriate to do so for the purposes of promoting or safeguarding the education or welfare of—

(a) the child to whom the information relates,

(b) any other person under the age of 18.

(7) A local authority in Scotland means a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994.

(8) A local authority in Northern Ireland means a Health and Social Care Trust or the Education Authority established under the Education Act (Northern Ireland) 2014.

436G Support

(1) If a parent of a child registered by a local authority under section 436B so requests, the local authority must provide support to the parent by securing the provision of advice and information relating to the education of the child.

(2) The advice and information to be provided is whatever the local authority considers fit having regard to the parent's request and may include—

(a) advice about the education of the child,

(b) information about sources of assistance for the education of the child, and

(c) information about access to examinations for the General Certificate of Secondary Education.

(3) A local authority in England must offer parents of children registered by the authority under section 436B the opportunity to attend a forum to discuss the operation of sections 436B to 436P.

(4) The offer must be made twice per year and if it is accepted by at least one person to whom it is made, the local authority must arrange for the forum to take place.

(5) The duties in subsections (1), (3) and (4) do not apply in relation to a child where—

(a) the child is a registered pupil at a relevant school (within the meaning of section 436B),

(b) the local authority is required to make arrangements for the education of the child under section 19 or 19A of this Act,

(c) the local authority is required to secure special educational provision for the child under section 42(2) of the Children and Families Act 2014, or

(d) the local authority is required to secure additional learning provision or other provision for the child under section 14(10) or 19(7) of the Additional Learning Needs and Education Tribunal (Wales) Act 2018."

(3) In section 569(2A)—

(a) after "section" insert "436B(6), 436C(1)(g), 436C(2), 436C(4), 436E(1)(a), 436E(7), 436E(9), 436F(1), 436F(2),";

(b) after "550ZC(7)" insert ", or under paragraph 5 of Schedule 31A".

(4) In section 569(2B)—

(a) omit "A statutory instrument containing";

(b) after "397" insert ", 436I(6)";

(c) for the words after "the Welsh Ministers" substitute "are subject to the Senedd annulment procedure (see section 37E of the Legislation (Wales) Act 2019 (anaw 4))."

(5) In section 569(2BA)—

(a) omit the words from the beginning to "provision)";

(b) for the words after "2018" substitute "are subject to the Senedd approval procedure (see section 37C of the Legislation (Wales) Act 2019)."

(6) In section 569(2BB)—

(a) omit the words from the beginning to "provision)";

(b) after "section" insert "436B(6), 436C(1)(g), 436C(2), 436C(4), 436E(1)(a), 436E(7), 436E(9), 436F(1), 436F(2) or";

(c) after "579(3C)" insert ", or under paragraph 5 of Schedule 31A";

(d) for the words after "579(3C)" substitute "are subject to the Senedd approval procedure (see section 37C of the Legislation (Wales) Act 2019)."

(7) After Schedule 31 insert—

"SCHEDULE 31A Section 436E

FAILURE TO PROVIDE INFORMATION UNDER SECTION 436E: MONETARY PENALTIES

Warning notice

1 (1) Where a local authority proposes to require a person to pay a monetary penalty under section 436E(8), the authority must serve a notice on the person of what is proposed (a "warning notice").

(2) The warning notice must include information as to—

(a) the grounds for the proposal to require payment of the monetary penalty,

(b) the amount of the penalty, and

(c) the person's right to make representations.

Representations

2 The person on whom the warning notice is served may make written representations to the local authority in relation to the proposed requirement to pay a monetary penalty—

(a) before the end of the period of 14 days beginning with the day on which the notice is served, or

(b) if within that period the person gives written notice of their intention to make representations, before the end of the period of 28 days beginning with that day.

Imposition of penalty

3 (1) Where a person has made representations in response to a warning notice, or the time for doing so has elapsed, the local authority must decide whether to require the person to pay the monetary penalty.

(2) The local authority may not require the person to pay a monetary penalty if the authority is no longer satisfied as mentioned in section 436E(8).

(3) If the local authority decide not to require the person to pay the penalty, the authority must inform the person of that fact.

Penalty notice

4 (1) A requirement to pay a monetary penalty is imposed by a notice served on the person by the local authority (a "penalty notice").

(2) A penalty notice must include information as to—

(a) the grounds for requiring payment of the monetary penalty,

(b) the amount of the penalty,

(c) how payment may be made,

(d) the period within which payment is to be made (which must be at least 28 days beginning with the day on which the notice is served),

(e) the consequences of late payment (see paragraph 5), and

(f) rights of appeal.

(3) A penalty notice may be withdrawn at any time by the local authority that gave it.

Consequences of late payment

5 If the person on whom a penalty notice is served fails to pay the monetary penalty within the period specified in the notice, the amount of the penalty is increased by the prescribed percentage.

Appeals

6 (1) A person on whom a penalty notice is served may appeal to the First-tier Tribunal on any of the grounds mentioned in sub-paragraph (2).

(2) The grounds are that—

(a) the decision to require payment of the penalty was based on an error of fact;

(b) the decision was wrong in law;

(c) the decision was unreasonable.

(3) On an appeal under this paragraph the First-tier Tribunal may—

(a) quash the penalty notice,

(b) confirm the penalty notice, or

(c) vary the penalty notice by reducing the amount of the monetary penalty.

(4) Where an appeal under this paragraph is made, the requirement to pay the monetary penalty is suspended pending the final determination or withdrawal of the appeal.

Enforcement

7 If a person does not pay the whole or any part of a monetary penalty which the person is required to pay under this Schedule within the time specified in the penalty notice, the penalty or part of the penalty is recoverable as if it were payable under an order of the county court."

39 School attendance orders

(1) The Education Act 1996 is amended as follows.

(2) After section 436G (as inserted by section 38) insert—

"School attendance orders

436H Preliminary notice for school attendance order

(1) A local authority must serve a preliminary notice on a child's parent in relation to a child for whom the authority is responsible if it appears to the authority that—

(a) the child is of compulsory school age, and

(b) either condition A or condition B is met.

(2) A local authority may serve a preliminary notice on a child's parent if it appears to the authority that either condition C or condition D is met.

(3) A "preliminary notice" means a notice requiring the child's parent on whom the notice is served to satisfy the local authority that—

(a) the child is receiving suitable education, where condition A, C or D is relied on to serve the notice;

(b) the child is receiving education that is in their best interests, where condition B is relied on to serve the notice.

(4) Condition A is that the child is not receiving suitable education, either by regular attendance at school or otherwise.

(5) Condition B is that—

(a) the local authority or another local authority is—

(i) conducting enquiries in respect of the child under section 47 of the Children Act 1989 (duty to investigate), or

(ii) taking action under section 47(8) of that Act to safeguard or promote the child's welfare, in a case where the enquiries mentioned in sub-paragraph (i) have led the local authority to conclude that the child is suffering, or is likely to suffer, significant harm (within the meaning of section 31(9) and (10) of that Act), or has taken such action during the period of five years ending with the date on which a preliminary notice is to be served under subsection (1),

(b) the child is not regularly attending school, and

(c) it would be in the child's best interests to receive education by regular attendance at school.

(6) Condition C is that—

(a) the child is eligible to be registered by the local authority under section 436B,

(b) the authority has asked the child's parent for information under section 436D(1), and

(c) the child's parent has not provided that information before the end of the relevant period (as defined in section 436D(5)(a)), or has provided incorrect information.

(7) Condition D is that the child's parent is under a duty to provide information to the local authority under section 436D(2)(a), (b) or (c) in relation to the child and—

(a) has not provided the information before the end of the relevant period (as defined in section 436D(5)), or

(b) has provided incorrect information.

(8) For the purpose of determining whether a preliminary notice must or may be served under this section in respect of a child, the local authority—

(a) must consider the settings where the child is being educated that the local authority knows about and where the child lives, and

(b) may request the child's parent on whom the preliminary notice would be served to allow the local authority to visit the child inside any of the homes in which the child lives.

(9) If a request under subsection (8)(b) is refused by the person to whom it is made, the local authority must consider that to be a relevant factor in determining whether to serve a preliminary notice.

(10) A preliminary notice must—

(a) state which of conditions A to D are relied on to serve the notice,

(b) be served without delay, and in any event before the end of the period of five days beginning with the day on which it appears to the local authority that the requirements of subsection (1) or (2) are met, and

(c) specify the period within which the person must respond to the notice, which must be not less than 15 days beginning with the day on which the notice is served.

436I School attendance orders

(1) A local authority must serve an order under this section on a child's parent if—

(a) the authority has served a preliminary notice on the child's parent under section 436H,

(b) the child's parent fails to satisfy the local authority, within the period specified in the notice, that—

(i) the child is receiving suitable education, in a case where condition A, C or D is cited in the notice,

(ii) it is in the best interests of the child to receive education otherwise than by regular attendance at school, in a case where condition B is cited in the notice, and

(c) in the opinion of the authority it is expedient that the child should attend school.

(2) But a local authority must not serve an order under this section on a child's parent if—

(a) either—

(i) condition B was the only condition cited in the preliminary notice served under section 436H in relation to the child, or

(ii) condition B and another condition were cited in that preliminary notice, but the child's parent has satisfied the local authority that the child is receiving suitable education,

(b) the local authority is no longer conducting enquiries or taking action in respect of the child as mentioned in section 436H(5)(a), and

(c) the local authority is not aware of any other enquiries being made under section 47 of the Children Act 1989 or of any other action being taken under section 47(8) of that Act, or which has been taken during the period of five years ending with the date that the order would be made, in respect of the child.

(3) For the purpose of determining whether an order must be served under this section in respect of a child, the local authority—

(a) must consider the settings where the child is being educated that the local authority knows about and where the child lives,

(b) must consider how the child is being educated and what the child is learning, so far as is relevant in the particular case, and

(c) may request the child's parent on whom the preliminary notice has been served under section 436H to allow the local authority to visit the child inside any of the homes in which the child lives.

(4) If a request under subsection (3)(c) is refused by the person to whom it is made, the local authority must consider that to be a relevant factor in deciding whether the child's parent has failed to satisfy the local authority as mentioned in subsection (1)(b)(i) or (ii).

(5) An order under this section (a "school attendance order") is an order requiring the person on whom it is served to cause the child to become a registered pupil at a school named in the order.

(6) A school attendance order under this section—

(a) must be served without delay, and in any event before the end of the period of five days beginning with the day on which the authority determines which school is to be named in the order, and

(b) must be in the prescribed form.

(7) A school attendance order under this section continues in force (subject to any amendment made by the local authority) for so long as the child is of compulsory school age, unless—

(a) it is revoked by the authority, or

(b) a direction is made in respect of it under section 436Q(6) or 447(5).

(8) Where a maintained school is named in a school attendance order under this section—

(a) the local authority must without delay, and in any event before the end of the period of five days referred to in subsection (6)(a) inform the governing body and the head teacher, and

(b) the governing body and the local authority must admit the child to the school.

(9) Where an Academy school or alternative provision Academy is named in a school attendance order under this section—

(a) the local authority must without delay, and in any event before the end of the period of five days referred to in subsection (6)(a) inform the proprietor and the principal, and

(b) the proprietor must admit the child to the school.

(10) Subsections (8) and (9) do not affect any power to exclude from a school a pupil who is already a registered pupil there.

436J School attendance order for child with EHC plan (England)

(1) Subsections (2) and (3) apply where a local authority in England is required to serve a school attendance order under section 436I in respect of a child for whom the authority maintains an EHC plan.

(2) Where the EHC plan specifies the name of a school, that school must be named in the order.

(3) Where the EHC plan does not specify the name of a school—

(a) the authority must amend the plan so that it specifies the name of a school, and

(b) that school must then be named in the order.

(4) An amendment to an EHC plan required to be made under subsection (3)(a) is to be treated as if it were an amendment made following a review under section 44 of the Children and Families Act 2014, and that section and regulations made under it apply accordingly.

(5) Where—

(a) a school attendance order is in force in respect of a child for whom the local authority maintain an EHC plan, and

(b) the name of the school specified in the plan is changed,

the local authority must amend the order accordingly.

(6) Where a school attendance order is in force in respect of a child who subsequently becomes a child for whom the local authority maintain an EHC plan which specifies the name of a school, the local authority must ensure that school is named in the order.

436K School attendance order for child with individual development plan (Wales)

(1) Where a local authority in Wales is required to serve a school attendance order under section 436I in respect of a child for whom an individual development plan is maintained in which a particular school is named, that school must be named in the order.

(2) Where—

(a) a school attendance order is in force in respect of a child for whom an individual development plan is maintained in which a particular school is named, and

(b) the name of the school specified in the plan is changed,

the local authority must amend the order accordingly.

(3) Where a school attendance order is in force in respect of a child who subsequently becomes a child for whom an individual development plan is maintained in which a particular school is named, the local authority must ensure that school is named in the order.

436L School nomination notice for school attendance order

(1) Before a local authority serves a school attendance order under section 436I on a person in respect of a child, other than a child for whom the authority maintains an EHC plan or a child for whom an individual development plan is maintained in which a particular school is named, the authority must serve a notice on the person under this section (a "school nomination notice").

(2) A school nomination notice is a notice in writing—

(a) informing the person of the local authority's intention to serve the order,

(b) specifying the school which the authority intends to name in the order and, if the authority considers it fit, one or more other schools which it regards as suitable alternatives, and

(c) stating the effect of subsections (3) to (6).

For periods within which the school nomination notice must be served, see section 436N(6) and (7).

(3) If the school nomination notice specifies one or more alternative schools and the person selects one of them before the end of the period of 15 days

beginning with the day on which the notice is served, the school selected by the person must be named in the order.

(4) If—

(a) within the period mentioned in subsection (3) the person—

(i) applies for the child to be admitted to a school which is an Academy school or alternative provision Academy and notifies the local authority which served the notice of the application, or

(ii) applies for the child to be admitted to a school maintained by a local authority and, where that authority is not the local authority which served the notice, notifies the latter authority of the application, and

(b) the child is offered a place at the school as a result of the application,

that school must be named in the school attendance order.

(5) If—

(a) within the period mentioned in subsection (3) the person applies to the local authority by whom the notice was served for education to be provided at a school which is not a school maintained by a local authority, an Academy school or alternative provision Academy, and

(b) the child is offered a place at the school under arrangements made by the authority under which the fees payable in respect of the education provided at the school are to be paid by them under section 517,

that school must be named in the school attendance order.

(6) If, within the period mentioned in subsection (3)—

(a) the person—

(i) applies for the child to be admitted to a school which is not maintained by a local authority, an Academy school or an alternative provision Academy and in respect of which no application is made under subsection (5), and

(ii) notifies the local authority by whom the notice was served of the application,

(b) the child is offered a place at the school as a result of the application, and

(c) the school is suitable to the child's age, ability and aptitude and to any special educational needs the child may have,

that school must be named in the school attendance order.

436M School nomination notice: restrictions

(1) A local authority may not specify a school in a school nomination notice if the child is permanently excluded from it.

(2) A local authority may not specify a maintained school or Academy school in a school nomination notice if the admission of the child would, because of the need to take measures to avoid failing to comply with any duty applicable to the school in relation to class sizes, prejudice the provision of efficient education or the efficient use of resources.

(3) A local authority may not specify a maintained school or Academy school in a school nomination notice if, were the child concerned admitted to the school in accordance with a school attendance order resulting from the notice, the number of pupils at the school in the child's age group would exceed the relevant number.

(4) The relevant number is—

(a) in the case of a maintained school, the number determined in accordance with section 88C or 89 of the School Standards and Framework Act 1998 as the number of pupils in the child's age group which it is intended to admit to the school in the school year in which the child would be admitted, or

(b) in the case of an Academy school, the number determined in accordance with the Academy arrangements relating to the school or any enactment as the number of such pupils.

(5) Subsection (3) does not prevent a local authority from specifying a maintained school where the authority is responsible for determining the arrangements for the admission of pupils to the school.

(6) Subsection (3) also does not prevent a local authority from specifying a maintained school or Academy school if—

(a) in the opinion of the authority the school is a reasonable distance from the home of the child, and

(b) there is no maintained school or Academy school in their area which—

(i) the authority could specify (apart from subsection (3)), and

(ii) is in the opinion of the authority a reasonable distance from the home of the child.

436N School nomination notice: procedure

(1) Before deciding to specify a maintained school, Academy school or alternative provision Academy in a school nomination notice a local authority must consult—

(a) in the case of a maintained school—

(i) the governing body, and

(ii) if another local authority is responsible for determining the arrangements for the admission of pupils to the school, that authority, or

(b) in the case of an Academy school or alternative provision Academy, the proprietor.

(2) Where a local authority decides to specify a maintained school, Academy school or alternative provision Academy in a school nomination notice the authority must, before serving the notice, serve notice in writing of their decision on—

(a) in the case of a maintained school—

(i) the governing body,

(ii) the head teacher, and

(iii) if another local authority is responsible for determining the arrangements for the admission of pupils to the school, that authority, or

(b) in the case of an Academy school or alternative provision Academy—

(i) the proprietor, and

(ii) the principal.

(3) A notice under subsection (2) must be served without delay, and in any event before the end of the period of 15 days beginning with the expiry of the period specified in the notice under section 436H.

(4) A person on whom a notice is served under subsection (2)(a)(i) or (iii) or (b)(i) may apply to the Secretary of State in relation to a school in England, or to the Welsh Ministers in relation to a school in Wales, for a direction under this section and, if they do so, must inform the local authority which served the notice.

(5) An application under subsection (4) must be made—

(a) if the notice is served on a school day, before the end of the period of 10 school days beginning with the day on which the notice is served, or

(b) if the notice is served on a day that is not a school day, before the end of the period of 10 school days beginning with the first school day following the day on which the notice is served.

(6) If the local authority which served a notice under subsection (2) is not informed of an application under subsection (4) within the period specified in subsection (5), the authority must serve the school nomination notice without delay, and in any event before the end of the period of five days beginning with the day after the day on which the period specified in subsection (5) ended.

(7) Where the Secretary of State gives a direction under this section in relation to a school in England or the Welsh Ministers give a direction under this section in relation to a school in Wales—

(a) the school or schools to be specified in the school nomination notice are to be determined in accordance with the direction, and

(b) the school nomination notice must be served without delay, and in any event before the end of the period of five days beginning with the day after that on which the direction is given.

(8) If a local authority in England serves a notice under subsection (2) specifying a school in Wales and an application for a direction is made to the Welsh Ministers under subsection (4) in relation to that notice, the direction under this section may only—

(a) confirm that a school specified in the notice under subsection (2) should be specified in the school nomination notice, or

(b) refer the question of which school or schools should be specified in the school nomination notice back to the local authority to determine.

(9) If a local authority in Wales serves a notice under subsection (2) specifying a school in England, and an application for a direction is made to the Secretary of State under subsection (4) in relation to that notice, the direction under this section may only—

(a) confirm that a school specified in the notice under subsection (2) should be specified in the school nomination notice, or

(b) refer the question of which school or schools should be specified in the school nomination notice back to the local authority to determine.

436O Amendment of school attendance order

(1) This section applies where a school attendance order under section 436I is in force in respect of a child, other than a child for whom the local authority maintains an EHC plan or a child for whom an individual development plan is maintained in which a particular school is named.

(2) If at any time—

(a) the person on whom the order is served applies for the child to be admitted—

(i) to a school maintained by a local authority, an Academy school or an alternative provision Academy, and

(ii) which is different from the school named in the order,

(b) the child is offered a place at the school as a result of the application, and

(c) the person requests the authority that served the order to amend the order by substituting that school for the one currently named,

the authority must comply with the request.

(3) If at any time—

(a) the person on whom the order is served applies to the authority for the child to be admitted—

(i) to a school not maintained by a local authority, an Academy school or an alternative provision Academy, and

(ii) which is different from the school named in the order,

(b) the child is offered a place at the school under arrangements made by the authority under which the fees payable in respect of the education provided at the school are to be paid by the authority under section 517, and

(c) the person requests the authority to amend the order by substituting that school for the one currently named,

the authority must comply with the request.

(4) If at any time—

(a) the person on whom the order is served applies for the child to be admitted—

(i) to a school not maintained by a local authority, an Academy school or an alternative provision Academy,

(ii) which is different from the school named in the order, and

(iii) in respect of which no application is made under subsection (3),

(b) the child is offered a place at the school as a result of the application,

(c) the school is suitable to the child's age, ability and aptitude and to any special educational needs the child may have, and

(d) the person requests the authority to amend the order by substituting that school for the one currently named,

the authority must comply with the request.

436P Revocation of school attendance order

(1) This section applies where a school attendance order made by a local authority under section 436I is in force in respect of a child.

(2) The local authority must revoke the order if—

(a) the order was served following a preliminary notice under section 436H in which the only condition cited was condition B,

(b) the local authority is no longer conducting enquiries or taking action in respect of the child as mentioned in section 436H(5)(a), and

(c) the local authority is not aware of any other enquiries being made under section 47 of the Children Act 1989 or of any other action being taken under section 47(8) of that Act, or which has been taken during the period of five years ending with the date that the order was made, in respect of the child.

(3) The person on whom the order is served may at any time request the local authority to revoke the order on the ground that arrangements have been made—

(a) for the child to receive suitable education otherwise than at a school, where the order was served—

(i) as a result of the person failing to satisfy the local authority that the child is receiving suitable education, or

(ii) as a result of the person failing to satisfy the local authority both that the child is receiving suitable education and that it is in the best interests of the child to receive education otherwise than by regular attendance at school, where subsection (2)(b) and (c) applies;

(b) for the child to receive education, otherwise than at a school, that is in their best interests, where the order was served as a result of the person failing to satisfy the local authority that it is in the best interests of the child to receive education otherwise than by regular attendance at school.

(4) The authority must comply with a request under subsection (3), unless the authority is of the opinion that the arrangements mentioned in subsection (3)(a) or (b), or both, as the case may be, have not been made for the child.

(5) If a person is aggrieved by a refusal of a local authority in England to comply with a request under subsection (3)—

(a) the person may refer the question to the Secretary of State, and

(b) the Secretary of State must give such direction determining the question as the Secretary of State considers appropriate.

(6) If a person is aggrieved by a refusal of a local authority in Wales to comply with a request under subsection (3)—

(a) the person may refer the question to the Welsh Ministers, and

(b) the Welsh Ministers must give such direction determining the question as the Welsh Ministers consider appropriate.

(7) Where the child is one for whom the local authority maintains an EHC plan—

(a) if the name of a school or other institution is specified in the EHC plan, subsection (3) does not apply;

(b) if the name of a school or other institution is not specified in the EHC plan, a direction under subsection (5)(b) may require the authority to make such amendments in the plan as the Secretary of State considers necessary or expedient in consequence of the determination.

(8) Where the child is one for whom the local authority maintains an individual development plan—

(a) if the name of a school or other institution is specified in the plan, subsection (3) does not apply;

(b) if the name of a school or other institution is not specified in the plan, a direction under subsection (6)(b) may require the authority to make such amendments in the plan as the Welsh Ministers consider necessary or expedient in consequence of the determination.

436Q Offence of failure to comply with school attendance order

(1) If a person on whom a school attendance order under section 436I is served fails to comply with the requirements of the order, the person is guilty of an offence.

(2) Subsection (1) does not apply if—

(a) the person proves that arrangements have been made for the child to receive suitable education otherwise than at a school, where the order was served as a result of the person failing to satisfy the local authority that the child is receiving suitable education,

(b) the person proves that arrangements have been made for the child to receive education, otherwise than at a school, that is in their best interests, where the order was served as a result of the person failing to satisfy the local authority that it is in the best interests of the child to receive education otherwise than by regular attendance at school,

(c) section 436H(5)(a) is no longer met in respect of the child, where the order was served following a preliminary notice under section 436H which cited only condition B, or

(d) both—

(i) the person proves that arrangements have been made for the child to receive suitable education otherwise than at a school, and

(ii) section 436H(5)(a) is no longer met in respect of the child,

where the order was served following a preliminary notice under section 436H which cited condition B and another condition.

(3) The reference in subsection (1) to failure to comply with the requirements of a school attendance order includes causing a child to cease to be registered at the school named in the school attendance order.

(4) Subsection (3) does not apply in circumstances where—

(a) the school has, pursuant to section 436J, 436K or 436O, ceased to be the school named in the school attendance order, or

(b) the school attendance order has been revoked pursuant to section 436P.

(5) A person who—

(a) fails to comply with the requirements of a school attendance order under section 436I by not causing a child to become a registered pupil at the school named in the order, and

(b) is convicted of an offence under this section in respect of the failure,

may be found guilty of an offence under this section again if the failure continues.

(6) If, in proceedings for an offence under this section, the person is acquitted, the court may direct that the school attendance order ceases to be in force.

(7) A direction under subsection (6) does not affect the duty of the local authority to take further action under section 436I if at any time the authority is of the opinion that, having regard to any change of circumstances, it is expedient to do so.

(8) A person who commits an offence under this section is liable on summary conviction to imprisonment for a term not exceeding the maximum term for summary offences or a fine not exceeding level 4 on the standard scale (or both).

(9) In subsection (8), "the maximum term for summary offences" means—

(a) if the offence is committed before the time when section 281(5) of the Criminal Justice Act 2003 comes into force, six months;

(b) if the offence is committed after that time, 51 weeks.

436R References to "Academy school" and "Academy arrangements"

(1) In sections 436I and 436L to 436O, a reference to an Academy school includes a reference to a city technology college and a city college for the technology of the arts.

(2) The reference in section 436M to Academy arrangements includes a reference to an agreement under section 482.

436S References to "regulations" and "prescribed"

(1) In sections 436B(6), 436C(4) and 436E(7) "regulations" means—

(a) regulations made by the Secretary of State in relation to England, and

(b) regulations made by the Welsh Ministers in relation to Wales.

(2) In sections 436C, 436E, 436F, 436I and paragraph 5 of Schedule 31A "prescribed" means—

(a) prescribed by regulations made by the Secretary of State in relation to England, and

(b) prescribed by regulations made by the Welsh Ministers in relation to Wales."

(3) In section 572 (service of notices and other documents), at the end insert—

"(4) This section does not preclude any notice or order under sections 436H to 436P (which relate to school attendance orders) from being served by any other effective method."

(4) In Schedule 1 (pupil referral units), for paragraph 14 substitute—

"14 (1) Where a pupil referral unit is named in a school attendance order made by a local authority under section 436I—

(a) the local authority must without delay, and in any event within the period of five days referred to in section 436I(6)(a) inform the teacher in charge of the unit, and

(b) if another local authority is responsible for determining the arrangements for the admission of pupils in the unit, that authority must admit the child to the unit,

but paragraph (b) above does not affect any power to exclude from a unit a pupil who is already a registered pupil there.

(2) Section 436L(4) does not apply in relation to a pupil referral unit.

(3) A local authority—

(a) must, in a case where another local authority is responsible for the admission of pupils to a pupil referral unit, consult that authority before deciding to specify that unit in a school nomination notice under section 436L, and

(b) if the authority decides to specify the unit in the notice, must serve notice in writing of their decision on that authority.

(4) Section 436N(3) to (9) applies where notice is served on a local authority under sub-paragraph (3) above as it applies where notice is served under section 436N(2).

(5) The parent of a child in respect of whom a school attendance order under section 436I is in force may not under section 436O request the local authority to amend the order by substituting a pupil referral unit for the school named in the order.

(6) Where a child is a registered pupil at both a pupil referral unit and at a school other than such a unit, the references in section 444 to the school at which the child is a registered pupil are to be read as references to the unit."

40 Children not in school: processing of information

After section 436S of the Education Act 1996 (as inserted by section 39) insert—

"Children not in school and school attendance orders: processing of information

436T Processing of information

(1) This section applies to section 434A, sections 436B to 436Q and Schedule 31A, and provisions of regulations made under any of those provisions.

(2) A disclosure of information authorised or required under any provision to which this section applies does not breach—

(a) any obligation of confidence owed by the person making the disclosure, or

(b) any other restriction on the disclosure of information (however imposed)."

41 Guidance on children not in school and school attendance orders

After section 436T of the Education Act 1996 (as inserted by section 40) insert—

"Guidance on children not in school and school attendance orders

436U Guidance

In exercising its functions under or by virtue of sections 434A, 434B and 436B to 436P, a local authority must have regard to—

(a) in the case of a local authority in England, any guidance given by the Secretary of State;

(b) in the case of a local authority in Wales, any guidance given by the Welsh Ministers."

42 Children not in school: consequential amendments

Schedule 2 contains consequential amendments relating to section 39.

Independent educational institutions

43 Expanding the scope of regulation

(1) The Education and Skills Act 2008 is amended as follows.

(2) For section 92 (meaning of "independent educational institution") substitute—

"**92 Independent educational institutions in England**

(1) The following are independent educational institutions for the purposes of this Chapter—

(a) independent schools in England;

(b) institutions in England, other than independent schools and excepted institutions, that provide full-time education for—

(i) at least five children of compulsory school age, or

(ii) at least one child of compulsory school age who is looked after by a local authority or has special educational needs.

(2) The following subsections apply for the purposes of subsection (1)(b) (and see section 138(1A) for provision about the meaning of an institution providing education).

(3) Regulations may—

(a) specify that an amount of time is or is not to be treated as "full-time" by reference to a number of hours in, or a proportion of, a week or other period, or in any other way;

(b) provide that time spent on a specified activity or on an activity of a specified description is or is not to be treated as time during which education is being provided;

(c) amend subsection (4) so as to add, remove or amend factors;

(d) amend this section so as to add, remove or amend provision about the interpretation of the factors in subsection (4).

(4) If, or to the extent that, the question of whether an institution provides full-time education for a child is not determined by regulations under subsection (3)(a) or (b), the factors relevant to determining that question include—

(a) the number of hours per week that—

(i) education is provided to children by the institution;

(ii) activities incidental to that education (such as breaks and independent study time) are provided;

(b) the number of weeks in an academic year that education is provided;

(c) the time of day that education is provided.

(5) An academic year means a period of 12 months ending with 31 August.

(6) A child has special educational needs if an EHC plan or an individual development plan is maintained for the child (see section 579(1) of the Education Act 1996 for the meaning of "EHC plan" and "individual development plan").

(7) A reference to a child who is looked after by a local authority is to be read—

(a) in relation to a local authority in England, in accordance with section 22 of the Children Act 1989;

(b) in relation to a local authority in Wales, in accordance with section 74 of the Social Services and Well-being (Wales) Act 2014 (anaw 4).

(8) The following are excepted institutions—

(a) an institution that provides only early years provision;

(b) a school maintained by a local authority;

(c) a school approved under section 342 of the Education Act 1996 (approval of non-maintained special schools);

(d) a 16 to 19 Academy;

(e) an institution that is within the further education sector or the wider higher education sector;

(f) a secure college, secure training centre or young offender institution;

(g) an institution of a description specified in regulations.

(9) For provision regulating independent schools in Wales, see Chapter 1 of Part 10 of the Education Act 2002."

(3) Omit section 93 (application of Chapter to institutions in England only).

(4) Omit section 93A (application of Chapter to alternative provision Academies that are not independent educational institutions).

(5) In section 98(3) (information to be included in registration application), omit paragraph (a).

(6) In section 99(5) (content of entry in register), for "98(3)(a)" substitute "98(3)(b)".

(7) In section 132 (power to apply provisions of Chapter 1 of Part 4 to independent post-16 colleges)—

(a) in subsection (2)(a)(ii), for "student" substitute "person";

(b) in subsection (4)(b)(i), for "a student" substitute "provided with education and training".

(8) In section 138 (interpretation of Chapter 1 of Part 4)—

(a) in subsection (1), for the definition of "student" substitute—

""student", in relation to an independent educational institution, means a person for whom education is provided at the institution, other than—

(a) a person who has attained the age of 19 and for whom further education is provided, or

(b) a person for whom part-time education suitable to the requirements of persons of any age over compulsory school age is provided;";

(b) after subsection (1) insert—

"(1A) For the purposes of this Chapter, education is provided at an institution if the institution provides instruction or guidance on any matter (and for this purpose it does not matter whether, or by whom, students attending the institution are supervised)."

(9) In section 166(2) (instruments subject to affirmative procedure), after paragraph (f) insert—

"(fa) regulations under section 92,".

44 Independent educational institution standards

(1) The Education and Skills Act 2008 is amended as follows.

(2) In section 94 (independent educational institution standards)—

(a) after subsection (1) insert—

"(1A) A standard within subsection (1)(d) in relation to a proprietor may be prescribed by reference—

(a) in the case of a proprietor which is a body of persons—

(i) to whether persons having general control and management of, or legal responsibility and accountability for, the proprietor are, in the opinion

of the Secretary of State, fit and proper persons to be involved in the running of an independent educational institution;

(ii) to whether the Secretary of State is notified before a new person becomes involved in the general control and management of, or assumes legal responsibility and accountability for, the proprietor;

(b) in the case of a proprietor which is an individual, to whether that individual is, in the opinion of the Secretary of State, a fit and proper person to be involved in the running of an independent educational institution.";

(b) after subsection (3) insert—

"(3A) A standard may be prescribed by reference to whether or not the proprietor of an independent educational institution has regard to guidance issued, or a document published, by the Secretary of State from time to time."

(3) After section 99 insert—

"**99A Inspections on appeal against decision not to register**

(1) Where an appeal is brought under section 125(1)(a) against a decision under section 99(2) (standards not likely to be met on registration), the Secretary of State may direct the Chief Inspector to—

(a) inspect the institution which is the subject of the appeal, and

(b) make a report to the Secretary of State on the extent to which any relevant standard is likely to be met in relation to the institution once it becomes a registered independent educational institution.

(2) In this section "any relevant standard" means any independent educational institution standard that is—

(a) specified in the direction by the Secretary of State for the purposes of the inspection, or

(b) considered to be relevant by the Chief Inspector in the circumstances of the case."

(4) After section 118 insert—

"**118A Suspension of registration**

(1) The Secretary of State may suspend the registration of an independent educational institution if—

(a) the Secretary of State is satisfied that one or more of the independent educational institution standards are not being met in relation to the institution, and

(b) the Secretary of State has reasonable cause to believe that, as a result, one or more students at the institution will or may be exposed to the risk of harm.

(2) In determining the matters in subsection (1)(a) and (b), the Secretary of State must (in particular) take account of any information provided by the Chief Inspector or an independent inspectorate that is relevant.

(3) Before suspending the registration of an institution, the Secretary of State must give the proprietor of the institution a warning notice—

(a) stating that the Secretary of State is proposing to suspend the registration of the institution and explaining the effect of a suspension,

(b) specifying the dates on which the Secretary of State proposes to start and end the suspension,

(c) identifying the standard or standards that are not being met, which the Secretary of State believes will or may result in one or more students being exposed to the risk of harm,

(d) setting out the grounds for that belief, and

(e) specifying the period during which the proprietor may make representations about the proposed suspension (the "specified period").

(4) The Secretary of State must have regard to any representations made by the proprietor during the specified period in deciding whether to suspend the institution's registration.

(5) Where the Secretary of State decides not to suspend the institution's registration, the Secretary of State must give the proprietor of the institution a notice informing the proprietor of the decision.

(6) Where the Secretary of State decides to suspend the institution's registration, the Secretary of State must give the proprietor of the institution a notice informing the proprietor of the decision and—

(a) specifying the date on which the suspension starts,

(b) specifying the date on which the suspension ends, which must be no more than 12 weeks after the suspension starts, and

(c) explaining the right of appeal conferred by section 125.

(7) Subsections (3) to (6) do not apply where the Secretary of State considers that, in order to protect one or more students at the institution from the risk of harm, it is necessary to suspend an institution's registration without first seeking representations.

(8) In such a case, the Secretary of State must, as soon as reasonably practicable after deciding to suspend the institution's registration, give the proprietor a notice—

(a) stating that the Secretary of State has decided to suspend the registration of the institution and explaining the effect of a suspension,

(b) identifying the standard or standards that are not being met, which the Secretary of State believes will or may result in one or more students being exposed to the risk of harm,

(c) setting out the grounds for that belief,

(d) specifying the date on which the suspension starts,

(e) specifying the date on which the suspension ends, which must be no more than 12 weeks after the suspension starts, and

(f) explaining the right of appeal conferred by section 125.

(9) The suspension of an institution's registration does not affect the continuation of the registration (but see section 118C: offence of providing education at an institution when its registration is suspended).

(10) Where an institution's registration is suspended, the Secretary of State must include an indication to that effect on the register for the period of the suspension.

(11) For the purposes of this section and section 118B "harm" has the meaning given by section 31(9) of the Children Act 1989.

118B Period of suspension

(1) A suspension under section 118A—

(a) takes effect on the date specified in the notice of suspension under section 118A(6) or (8), and

(b) ends on the date specified in that notice, subject to subsections (2) to (4).

(2) The Secretary of State must lift a suspension of an institution's registration if the condition mentioned in section 118A(1)(b) is no longer met.

(3) The Secretary of State may lift a suspension of an institution's registration if the Secretary of State considers it appropriate to do so.

(4) The Secretary of State may extend a suspension of an institution's registration for a period of not more than 12 weeks if the conditions mentioned in paragraphs (a) and (b) of section 118A(1) are still met.

(5) Before extending a suspension of an institution's registration, the Secretary of State must give the proprietor of the institution a warning notice—

(a) stating that the Secretary of State is proposing to extend the suspension,

(b) specifying the date on which the Secretary of State proposes to end the extension,

(c) identifying the standard or standards that are not being met, which the Secretary of State believes will or may result in one or more students being exposed to the risk of harm (which need not be the same standards mentioned in the notice for the previous period of suspension),

(d) setting out the grounds for that belief (which need not be the same grounds mentioned in the notice for the previous period of suspension), and

(e) specifying the period during which the proprietor may make representations about the proposed extension (the "specified period").

(6) The Secretary of State must have regard to any representations made by the proprietor during the specified period in deciding whether to extend the suspension.

(7) Where the Secretary of State decides not to extend the suspension, the Secretary of State must give the proprietor of the institution a notice informing the proprietor of the decision.

(8) Where the Secretary of State decides to extend the suspension, the Secretary of State must give the proprietor a notice informing the proprietor of the decision and—

(a) specifying the date on which the extension ends, and

(b) explaining the right of appeal conferred by section 125.

(9) Subsections (5) to (8) do not apply where the Secretary of State considers that, in order to protect one or more students at the institution from the risk of harm, it is necessary to extend the suspension of an institution's registration without first seeking representations.

(10) In such a case, the Secretary of State must, as soon as reasonably practicable after deciding to extend the suspension, give the proprietor a notice—

(a) stating that the Secretary of State has decided to extend the suspension,

(b) identifying the standard or standards that are not being met, which the Secretary of State believes will or may result in one or more students being exposed to the risk of harm (which need not be the same standards mentioned in the notice for the previous period of suspension),

(c) setting out the grounds for that belief (which need not be the same grounds mentioned in the notice for the previous period of suspension),

(d) specifying the date on which the extension ends, which must be no more than 12 weeks after the extension starts, and

(e) explaining the right of appeal conferred by section 125.

(11) Where the Secretary of State extends the suspension of an institution's registration, the suspension lasts until the date specified in the notice under subsection (8)(a) or (10)(d), unless it is lifted under subsection (2) or (3) or extended again under subsection (4).

118C Offence of conducting institution when its registration is suspended

(1) The proprietor of an independent educational institution that provides education or supervised activity to one or more students while its registration is suspended is guilty of an offence.

(2) It is a defence for a person charged with an offence under subsection (1) to prove that—

(a) they and the head teacher of the institution (if a different person) did not know and could not reasonably have been expected to know of the existence of the notice given under section 118A or 118B that caused the suspension to have effect at the time of the alleged offence, or

(b) the conduct prohibited by subsection (1) ceased as soon as reasonably practicable after that notice was given.

(3) A person guilty of an offence under subsection (1) is liable on summary conviction to imprisonment for a term not exceeding the maximum term for summary offences or to a fine (or to both).

(4) "The maximum term for summary offences" means—

(a) if the offence is committed before the time when section 281(5) of the Criminal Justice Act 2003 (alteration of penalties for certain summary offences: England and Wales) comes into force, six months;

(b) if the offence is committed after that time, 51 weeks.

(5) In subsection (1), the reference to providing education or supervised activity does not include providing boarding accommodation or activities necessary to ensure the welfare of boarders (see section 118D for provision about stopping boarding).

118D Suspension of registration: requirement to stop providing boarding accommodation

(1) Where the Secretary of State suspends the registration of a boarding institution, the Secretary of State may impose on the proprietor of the institution a requirement to stop providing boarding accommodation to its students (a "stop boarding requirement").

(2) A stop boarding requirement may relate to all boarders at the institution or boarders of a particular description.

(3) Before imposing a stop boarding requirement on the proprietor of a boarding institution, the Secretary of State must give the proprietor notice in accordance with—

(a) subsections (4) and (8),

(b) subsection (9), or

(c) in the case of a new stop boarding requirement imposed under section 118E, that section.

(4) Where the Secretary of State gives a warning notice under section 118A(3) (notice of proposed suspension of registration) to the proprietor of a boarding institution, the notice must also—

(a) state whether the Secretary of State is proposing to impose a stop boarding requirement, and

(b) if the Secretary of State is proposing to do so—

(i) explain the effect of a stop boarding requirement,

(ii) specify whether the proposed requirement would relate to all boarders at the institution or, if not, the description of boarders to whom it would relate,

(iii) specify the dates on which the Secretary of State proposes to start and end the requirement, and

(iv) explain that the proprietor may make representations about the proposed requirement during the period specified in the notice for representations about the proposed suspension (the "specified period").

(5) The Secretary of State must have regard to any representations made by the proprietor during the specified period in deciding whether to impose a stop boarding requirement.

(6) Subsections (7) and (8) apply where the Secretary of State has given the proprietor of a boarding institution a warning notice under section 118A(3) which states that the Secretary of State is proposing to impose a stop boarding requirement.

(7) Where the Secretary of State decides not to impose a stop boarding requirement on the proprietor of the institution—

(a) in a case where the Secretary of State also decides not to suspend the institution's registration, the Secretary of State must give the proprietor a notice of the decision not to impose a stop boarding requirement at the same time as the Secretary of State gives the notice under section 118A(5);

(b) in a case where the Secretary of State decides to suspend the institution's registration, the notice under section 118A(6) (notice of decision to suspend registration following warning notice) must state that the Secretary of State has decided not to impose a stop boarding requirement.

(8) Where the Secretary of State decides to impose a stop boarding requirement on the proprietor of the institution, the notice under section 118A(6) (notice of decision to suspend registration following warning notice) given to the proprietor must also inform the proprietor of that decision and—

(a) specify whether the requirement relates to all boarders at the institution or, if not, the description of boarders to whom it relates,

(b) specify the date on which the requirement starts, which may be on the same date as the suspension starts or on a later date,

(c) specify the date on which the requirement ends, which may be on the same date as the suspension ends or on an earlier date, and

(d) explain the right of appeal conferred by section 125.

(9) Where the Secretary of State decides to impose a stop boarding requirement on the proprietor of a boarding institution in a case where the Secretary of State has not given the proprietor a warning notice under section 118A(3) (see section 118A(7)), the notice under section 118A(8) (notice of decision to suspend registration in urgent cases) given to the proprietor must also—

(a) state that the Secretary of State has decided to impose a stop boarding requirement and explain the effect of a stop boarding requirement,

(b) specify whether the requirement relates to all boarders at the institution or, if not, the description of boarders to whom it relates,

(c) specify the date on which the requirement starts, which may be on the same date as the suspension starts or on a later date,

(d) specify the date on which the requirement ends, which may be on the same date as the suspension ends or on an earlier date, and

(e) explain the right of appeal conferred by section 125.

(10) Where a stop boarding requirement is imposed in relation to a boarding institution, the Secretary of State must include an indication to that effect on the register for the period of the requirement.

(11) In this section and sections 118E and 118F—

"boarding institution" means an independent educational institution that provides boarding accommodation for some or all of its students;

"stop boarding requirement" has the meaning given in subsection (1);

and references to an institution providing boarding accommodation to students include an institution arranging for boarding accommodation to be provided to its students by another person.

118E Period of stop boarding requirement

(1) A stop boarding requirement—

(a) takes effect—

(i) on the date specified in the notice of suspension under section 118A(6) or (8) (see section 118D(8) and (9)), or

(ii) in the case of a new stop boarding requirement imposed under this section, on the date specified in the notice of extension under section 118B(8) or (10) (see subsections (10) and (11)), and

(b) ends on the date specified in that notice, subject to subsections (2) to (4).

(2) A stop boarding requirement imposed on the proprietor of a boarding institution ends if the suspension of the institution's registration is lifted (see section 118B(2) and (3)).

(3) The Secretary of State may end a stop boarding requirement early if the Secretary of State considers it appropriate to do so.

(4) Where the Secretary of State extends the suspension of a boarding institution's registration, the Secretary of State may—

(a) extend an existing stop boarding requirement, or

(b) impose a new stop boarding requirement (either where no such requirement was imposed previously, or to replace a previous requirement with one with different terms).

(5) Before extending an existing stop boarding requirement or imposing a new one under this section, the Secretary of State must give the proprietor notice in accordance with—

(a) subsections (6) and (10), or

(b) subsection (11).

(6) Where the Secretary of State gives a warning notice to the proprietor of a boarding institution under section 118B(5) (notice of proposed extension of suspension), the notice must also—

(a) state whether the Secretary of State is proposing to extend an existing stop boarding requirement or impose a new one,

(b) if the Secretary of State is proposing to impose a new stop boarding requirement—

(i) explain the effect of a stop boarding requirement,

(ii) specify whether the proposed requirement would relate to all boarders at the institution or, if not, the description of boarders to whom it would relate,

(iii) specify the dates on which the Secretary of State proposes to start and end the requirement, and

(iv) explain that the proprietor may make representations about the proposed requirement during the period specified in the notice for representations about the proposed extension of the institution's suspension (the "specified period");

(c) if the Secretary of State is proposing to extend an existing stop boarding requirement—

(i) specify the date on which the Secretary of State proposes to end the extension, and

(ii) explain that the proprietor may make representations about the proposed extension of the stop boarding requirement during the period specified in the notice for representations about the proposed extension of the institution's suspension (the "specified period").

(7) The Secretary of State must have regard to any representations made by the proprietor during the specified period in deciding whether to extend an existing stop boarding requirement or impose a new one.

(8) Subsections (9) and (10) apply where the Secretary of State has given the proprietor of a boarding institution a warning notice under section 118B(5) (notice of proposed extension of suspension) which states that the Secretary of State is proposing to impose or extend a stop boarding requirement.

(9) Where the Secretary of State decides not to impose or extend a stop boarding requirement on the proprietor of the institution—

(a) in a case where the Secretary of State also decides not to extend the suspension of the institution's registration, the Secretary of State must give the proprietor a notice of the decision not to impose a stop boarding requirement at the same time as the Secretary of State gives the notice under section 118B(7);

(b) in a case where the Secretary of State decides to extend the suspension of the institution's registration, the notice under section 118B(8) (notice of decision to extend suspension following warning notice) must state that the Secretary of State has decided not to impose or extend a stop boarding requirement.

(10) Where the Secretary of State decides to impose or extend a stop boarding requirement on the proprietor of a boarding institution, the notice under section 118B(8) (notice of decision to extend suspension following warning notice) given to the proprietor must also inform the proprietor of the decision and—

(a) in the case of a decision to impose a new stop boarding requirement—

(i) specify whether the requirement relates to all boarders at the institution or, if not, the description of boarders to whom it relates,

(ii) specify the date on which the requirement starts,

(iii) specify the date on which the requirement ends, which may be on the date that the suspension ends or an earlier date, and

(iv) explain the right of appeal conferred by section 125;

(b) in the case of a decision to extend a stop boarding requirement—

(i) specify the date on which the extension ends, which may be on the date that the suspension ends or an earlier date, and

(ii) explain the right of appeal conferred by section 125.

(11) Where the Secretary of State decides to impose or extend a stop boarding requirement on the proprietor of a boarding institution in

a case where the Secretary of State has not given the proprietor a warning notice under section 118B(5) (see section 118B(9)), the notice under section 118B(10) (notice of decision to extend suspension in urgent cases) given to the proprietor must also inform the proprietor of the decision and—

(a) in the case of a decision to impose a new stop boarding requirement—

(i) explain the effect of a stop boarding requirement,

(ii) specify whether the requirement relates to all boarders at the institution or, if not, the description of boarders to whom it relates,

(iii) specify the date on which the requirement ends, which may be on the date that the suspension ends or an earlier date, and

(iv) explain the right of appeal conferred by section 125;

(b) in the case of a decision to extend a stop boarding requirement—

(i) specify the date on which the requirement ends, which may be on the date that the suspension ends or an earlier date, and

(ii) explain the right of appeal conferred by section 125.

(12) Where the Secretary of State extends a stop boarding requirement under this section, the requirement lasts until the date specified in the notice under section 118B(8) or (10) (see subsections (10) and (11)), unless it ends earlier by virtue of subsection (2) or (3) or is extended again under subsection (4)(a).

118F Offence of providing boarding accommodation in breach of stop boarding requirement

(1) The proprietor of a boarding institution that provides boarding accommodation to a student in breach of a stop boarding requirement is guilty of an offence.

(2) It is a defence for a person charged with an offence under subsection (1) to prove that—

(a) they and the head teacher of the institution (if a different person) did not know and could not reasonably have been expected to know of the existence of the notice given under section 118A or 118B that caused the stop boarding requirement to have effect at the time of the alleged offence, or

(b) the conduct prohibited by subsection (1) ceased as soon as reasonably practicable after that notice was given.

(3) A person guilty of an offence under subsection (1) is liable on summary conviction to imprisonment for a term not exceeding the maximum term for summary offences or to a fine (or to both).

(4) "The maximum term for summary offences" means—

(a) if the offence is committed before the time when section 281(5) of the Criminal Justice Act 2003 (alteration of penalties for certain summary offences: England and Wales) comes into force, six months;

(b) if the offence is committed after that time, 51 weeks.

(5) If boarding accommodation is provided under an arrangement between a boarding institution and another person, it is irrelevant for the purposes of this section when that arrangement was made."

(5) In section 124 (appeal by proprietor against decision of Secretary of State to deregister), after subsection (4) insert—

"(4A) Where the Tribunal is considering disposing under subsection (3)(b) or (c) of an appeal under subsection (1)(d), it must—

(a) have due regard to the principle that the independent educational institution standards should be met, and to the likelihood that they will be met in relation to the institution which is the subject of the appeal, on an ongoing basis, and

(b) for that purpose, assume those standards will not be met in relation to the institution on an ongoing basis unless its proprietor adduces sufficient evidence in the course of the appeal to satisfy the Tribunal that they will be."

(6) In section 125 (appeal by proprietor against other decisions of Secretary of State)—

(a) in subsection (1)—

(i) omit the "or" at the end of paragraph (c);

(ii) after paragraph (d) insert—

"(e) section 118A(1) (suspension of registration),

(f) section 118B(4) (extension of suspension),

(g) section 118D(1) or 118E(4)(b) (imposition of stop boarding requirement), or

(h) section 118E(4)(a) (extension of stop boarding requirement).";

(b) after subsection (7) insert—

"(8) On an appeal under subsection (1)(e) or (f), the Tribunal may—

(a) confirm the suspension, or

(b) direct that the suspension is to cease to have effect.

(9) On an appeal under subsection (1)(g) or (h), the Tribunal may—

(a) confirm the requirement, or

(b) direct that the requirement is to cease to have effect.

(10) Tribunal Procedure Rules may make provision for the suspension by the Tribunal of a decision under any of the following provisions, whether or not the decision has already taken effect—

(a) section 118A(1) (suspension of registration),

(b) section 118B(4) (extension of suspension),

(c) section 118D(1) or 118E(4)(b) (imposition of stop boarding requirement), or

(d) section 118E(4)(a) (extension of stop boarding requirement)."

(7) After section 126 insert—

"**126A Determination by Tribunal of whether persons are fit and proper**

(1) This section applies where the question of whether an institution meets, has met or is likely to meet an independent educational institution standard prescribed under section 94(1A)(a)(i) or (b) (fit and proper persons) is relevant to an application or appeal to the Tribunal under this Chapter.

(2) The Tribunal may determine that question for the purposes of the application or appeal, including by finding that a relevant person is, was or would be a fit and proper person to be involved in the running of an independent educational institution even if the Secretary of State is not of that opinion.

(3) "Relevant person" means—

(a) where the proprietor or proposed proprietor of the institution mentioned in subsection (1) is a body of persons, a person having, or proposed to have, general control and management of, or legal responsibility and accountability for, the proprietor or proposed proprietor;

(b) where the proprietor or proposed proprietor of the institution mentioned in subsection (1) is an individual, the individual."

(8) The amendment made by subsection (5) does not apply in relation to a decision taken by the Secretary of State under section 116(1)(b) of the Education and Skills Act 2008 before the coming into force of subsection (5).

45 Unregistered independent educational institutions: prevention orders

(1) In section 96 of the Education and Skills Act 2008 (unregistered independent educational institutions: offence), after subsection (4) insert—

"(5) Schedule A1 makes provision enabling a court to make a prevention order where a person is convicted of an offence under this section."

(2) Before Schedule 1 to that Act insert—

"SCHEDULE A1 Section 96

UNREGISTERED INDEPENDENT EDUCATIONAL INSTITUTIONS: PREVENTION ORDERS

Making a prevention order

1 (1) Where a person (the "defendant") is convicted of an offence under section 96 (conducting an unregistered independent educational institution), the prosecution may apply for a prevention order before the defendant is sentenced for the offence.

(2) On an application under sub-paragraph (1), the court may make a prevention order if it thinks it is appropriate to do so for the purpose of protecting children from the risk of harm (within the meaning of section 31(9) of the Children Act 1989) arising from the defendant—

(a) conducting an unregistered independent educational institution, or

(b) otherwise providing children with education, childcare, instruction or supervision.

(3) A prevention order is an order which, for the purpose mentioned in sub-paragraph (2)—

(a) requires the defendant to do anything specified in the order, or

(b) prohibits the defendant from doing anything specified in the order.

(4) The court may make a prevention order in respect of the defendant only if it is made in addition to—

(a) a sentence imposed in respect of the offence under section 96, or

(b) an order discharging the offender conditionally.

(5) If, following an application by the prosecution for a prevention order, the court decides not to make such an order, it must state in open court its reasons for that decision.

Duration of prevention order

2 (1) A prevention order takes effect on the day on which it is made.

(2) A prevention order must specify the period for which it has effect, which must be a fixed period of at least six months and not more than three years.

(3) Where a court makes a prevention order in respect of a defendant who is already subject to such an order, the earlier order ceases to have effect.

Application for variation or discharge of prevention order

3 (1) The defendant may apply to the appropriate court for an order varying or discharging a prevention order.

(2) On an application under this paragraph, the court may by order vary or discharge the prevention order.

(3) A defendant may not make an application under this paragraph—

(a) before the end of the period of three months beginning with the day on which the prevention order was made, or

(b) before the end of the period of three months beginning with the day on which any previous application under this paragraph was refused.

(4) "The appropriate court" means—

(a) in any case, the court that made the order, or

(b) in a case where the defendant is an individual, a magistrates' court for the area in which the defendant lives.

Offence of breaching prevention order

4 (1) A person who breaches a prevention order is guilty of an offence.

(2) A person guilty of an offence under this paragraph is liable on summary conviction to imprisonment for a term not exceeding the maximum term for summary offences or to a fine (or to both).

(3) "The maximum term for summary offences" means—

(a) if the offence is committed before the time when section 281(5) of the Criminal Justice Act 2003 (alteration of penalties for certain summary offences: England and Wales) comes into force, six months;

(b) if the offence is committed after that time, 51 weeks.

(4) Where a person is convicted of an offence under this paragraph, it is not open to the court by or before which the person is convicted to make, in respect of the offence, an order for conditional discharge.

Transitional provision

5 This Schedule does not apply in relation to a conviction before the coming into force of this Schedule of an offence under section 96."

(3) In section 379 of the Sentencing Act 2020, in the table in subsection (1), after the entry for the Serious Crime Act 2007 insert—

"EDUCATION AND SKILLS ACT 2008

Schedule A1	prevention order	offence of conducting an unregistered independent educational institution in England".

46 Material changes

(1) The Education and Skills Act 2008 is amended as follows.

(2) In section 98 (applications for registration)—

(a) in subsection (3)—

(i) in paragraph (e), after "students" insert ", including under arrangements with other persons";

(ii) after paragraph (e) insert—

"(ea) the address of buildings that the institution makes available for student use;";

(b) after subsection (3) insert—

"(3A) For the purposes of subsection (3)(ea)—

(a) "building" means any—

(i) building,

(ii) part of a building,

(iii) permanent outdoor structure, or

(iv) part of a permanent outdoor structure,

which is wholly or mainly enclosed;

(b) a building is made available "for student use" by an institution if students at the institution are routinely present in the building—

(i) to be provided with meals or accommodation by the institution, or

(ii) to be provided with education by the institution and, while the education is being provided, the building is controlled by the institution.

(3B) Regulations may make provision about what constitutes a type of special educational need for the purposes of subsection (3)(g) or section 101(2)(i)."

(3) In section 99 (determination of applications for registration), after subsection (5) insert —

"(6) In relation to information supplied pursuant to section 98(3)(ea) (buildings used by students), subsection (5)(c) only requires the Secretary of State to include in the register the address of a building if it is different from the registered address of the institution."

(4) In the italic heading before section 101 (material change), omit "to registered details".

(5) In section 101 (definition of "material change"), for subsections (2) and (3) substitute—

"(2) "A material change" means any of the following—

(a) a change of proprietor;

(b) a change of registered address;

(c) a change to the age range of students;

(d) a change to the maximum number of students;

(e) a change to whether the institution is for male or female students or both;

(f) a change to whether the institution provides accommodation for students;

(g) a change of the buildings made available for student use by the institution (within the meaning given by section 98(3A));

(h) a change to whether the institution is a special institution;

(i) in the case of a special institution, a change to the type or types of special educational needs for which the institution is specially organised to make special educational provision.

(2A) For the purposes of subsection (2)(f) an institution providing accommodation includes providing it under arrangements with other persons (other than in connection with a residential trip away from the institution).

(2B) Subsection (2)(g) does not include a change where—

(a) the change is a building ceasing to be made available for student use,

(b) the change is an excluded building being made available for student use, or

(c) the change is reasonably expected by the proprietor to persist for a period of less than six months beginning with the day on which the change is made.

(2C) A building is an "excluded building" if—

(a) it is at the registered address of an independent educational institution, or

(b) it is at a further address included in the register—

(i) in accordance with section 99(5)(c), or

(ii) following approval under this Chapter of a material change falling within subsection (2)(g).

(2D) A change within subsection (2B)(c) becomes a material change if, at the beginning of the first day after the end of the six month period mentioned in that provision, it persists."

(6) In section 102 (requirement to apply for approval for material change), after subsection (2) insert—

"(3) Regulations may specify—

(a) the information that must be contained in an application for approval under this section, and

(b) the manner in which an application must be made."

(7) For section 103 (inspections) substitute—

"**103 Inspections relating to applications for approval**

(1) Where an application for approval of a material change is made under section 102 or an appeal is brought under section 125(1)(b) against a decision not to approve a material change, the Secretary of State may direct the Chief Inspector to—

(a) inspect the institution, and

(b) make a report to the Secretary of State on all or particular matters that the Secretary of State must consider in determining the application (see section 104(1A) and (1B)).

(2) Where such an application is made or such an appeal is brought, the Secretary of State may arrange for an independent inspectorate, which has been approved under section 106 in relation to the institution, to—

(a) inspect the institution, and

(b) make a report to the Secretary of State on all or particular matters that the Secretary of State must consider in determining the application."

(8) In section 104 (determination of applications for approval)—

(a) for subsection (1) substitute—

"(1) This section applies where the proprietor of a registered independent educational institution makes an application under section 102 for approval of a material change.

(1A) The Secretary of State must approve the change if—

(a) the Secretary of State is satisfied that the independent educational institution standards are being met in relation to the institution at the time when the application is being decided, and

(b) the Secretary of State is satisfied that the standards are likely to continue to be met if the change is made.

(1B) If, at the time the Secretary of State decides the application, the Secretary of State is satisfied that the independent educational institution standards are not being met in relation to the institution, the Secretary of State—

(a) must approve the change if satisfied that the standards are likely to be met immediately if the change is made;

(b) may approve the change if satisfied—

(i) that the standards are likely to be met within a reasonable time of the change being made, and

(ii) that, during the period before the standards are met, the change is likely to be beneficial to the education, welfare or safety of students who attend, or who might attend, the institution.";

(b) in subsection (2)—

(i) in the words before paragraph (a), for "subsection (1)" substitute "this section";

(ii) in paragraph (a), after "Chief Inspector" insert "or an independent inspectorate";

(iii) in paragraph (b), for "relating to the independent educational institution standards" substitute "that is relevant to the application";

(c) in subsection (3), for "subsection (1)" substitute "this section";

(d) in subsection (4), for "subsection (1) to refuse" substitute "this section not".

(9) In section 105 (powers where institution makes unapproved material change), in subsection (1)(c)(ii) for "has been refused" substitute "the Secretary of State has decided not to approve it".

(10) In section 125 (appeal by proprietor against other decisions of Secretary of State), in subsection (1)(b), for "104(1) (refusal" substitute "104 (decision not".

(11) In section 138 (interpretation), after subsection (2) insert—

"(3) A reference in this Chapter to the registered address of an independent educational institution—

(a) is a reference to the address included in the register in accordance with section 99(5)(a) or, where a change of that address is approved under this Chapter (see section 101(2)(b)), the new address;

(b) is not a reference to any further addresses related to the institution and included in the register—

(i) in accordance with section 99(5)(c), or

(ii) following approval under this Chapter of a material change falling within section 101(2)(g)."

(12) In section 166 (orders and regulations), in subsection (6)(a), after "circumstances" insert ", purposes".

47 Deregistration by agreement

(1) The Education and Skills Act 2008 is amended as follows.

(2) In section 100 (power to deregister), after subsection (1) insert—

"(1A) The Secretary of State may also remove a registered institution from the register if the proprietor of the institution requests, or agrees to, its removal in writing."

(3) In section 100(3), in the words before paragraph (a), for "The Secretary of State's decision" substitute "A decision by the Secretary of State under subsection (1)".

(4) In section 124(1)(a) (appeal against decision to deregister under section 100) for "100" substitute "100(1)".

48 Imposition of relevant restrictions

(1) The Education and Skills Act 2008 is amended as follows.

(2) In section 105—

(a) in the heading, for "Power to deregister" substitute "Powers in relation to";

(b) in subsection (1)—

(i) for the words before paragraph (a) substitute "This section applies where—";

(ii) in paragraph (a), for "the" substitute "an independent educational";

(c) after subsection (1) insert—

"(1A) The Secretary of State may—

(a) impose a relevant restriction on the proprietor of the institution (see section 117), or

(b) remove the institution from the register.";

(d) in subsection (2), omit "to remove it from the register";

(e) in subsection (3)(a), after "124" insert "or 125".

(3) In section 117 (meaning of "relevant restriction"), in subsection (2)(a), after "section" insert "105(1A)(a) or".

(4) In section 118 (relevant restrictions imposed by Secretary of State)—

(a) in subsection (1), before "116(1)(a)" insert "105(1A)(a) or";

(b) in subsection (2), omit "not exceeding level 5 on the standard scale".

(5) In section 125 (appeal by proprietor against other decisions of Secretary of State), in subsection (1)(c), after "section" insert "105(1A)(a) or".

49 Powers of entry and investigation etc

(1) The Education and Skills Act 2008 is amended as follows.

(2) Omit section 97 (unregistered independent educational institutions: inspection).

(3) After section 127 insert—

"Powers of entry and investigation etc

127A Reasonable cause required to exercise powers

(1) The Chief Inspector may exercise the powers of entry and investigation conferred by sections 127B to 127D if the Chief Inspector has reasonable cause to believe—

(a) that a relevant offence is being or has been committed on the premises to be entered, or

(b) that evidence of the commission of a relevant offence may be found on or accessed from the premises to be entered.

(2) In this section and sections 127B to 127D "relevant offence" means an offence under—

(a) section 96 (conducting an unregistered independent educational institution),

(b) section 118 (failure to comply with relevant restriction imposed by Secretary of State),

(c) section 118C (providing education at institution when registration is suspended),

(d) section 118F (providing boarding accommodation in breach of stop boarding requirement),

(e) section 121 (failure to comply with relevant restriction imposed by justice of the peace),

(f) section 127 (failure to comply with relevant restriction imposed by Tribunal),

(g) section 127F (obstruction of or failure to comply with investigation), or

(h) paragraph 4 of Schedule A1 (breach of prevention order imposed following section 96 offence).

127B Entry without warrant and powers of investigation

(1) The Chief Inspector may, without a warrant, enter any premises (see also section 127C for entry to premises under warrant).

(2) The power of entry must be exercised at a reasonable hour.

(3) Before entering any premises under this section, the Chief Inspector must—

(a) produce evidence of their identity, and

(b) outline the purpose for which the power is exercised,

if asked to do so by a person on the premises.

(4) On entering any premises under this section, the Chief Inspector may—

(a) inspect the premises;

(b) inspect and take copies of any document found on the premises;

(c) inspect any equipment found on the premises;

(d) take measurements of the premises or anything found on the premises;

(e) take photographs and make audio and video recordings on the premises.

(5) When entering premises under this section, the Chief Inspector may be accompanied by any person and bring anything to facilitate the exercise of a power conferred by subsection (4).

(6) A person who accompanies the Chief Inspector under subsection (5) may only do something intended to facilitate the exercise of a power conferred by subsection (4) while—

(a) in the company of the Chief Inspector, and

(b) under the Chief Inspector's supervision.

(7) In this section and section 127D "document" means anything in which information of any description is recorded.

(8) This section does not confer power to inspect or take copies of anything of a kind specified in section 9(2) of the Police and Criminal Evidence Act 1984 (legally privileged material etc).

127C Entry under warrant

(1) The Chief Inspector may enter premises if authorised by a warrant under this section to do so.

(2) A justice of the peace may issue a warrant under this section only if satisfied, on an application by the Chief Inspector, that the requirement in section 127A(1) (reasonable cause for belief) is met, and that—

(a) entry to the premises under section 127B has been refused or is likely to be refused unless a warrant is produced,

(b) it is not practicable to communicate with any person entitled to grant entry,

(c) entering or attempting to enter the premises without a warrant may frustrate or seriously prejudice the purpose of entering, or

(d) to investigate a relevant offence effectively, the powers of investigation conferred by section 127D(1) should be available to the Chief Inspector (in addition to those conferred by section 127B).

(3) A warrant under this section may authorise the Chief Inspector to enter—

(a) one or more premises specified in the application, or

(b) any premises occupied or controlled by a person specified in the application (an "all premises warrant").

(4) If the application is for an all premises warrant, the justice of the peace must also be satisfied—

(a) that there are reasonable grounds for believing that it is necessary to enter premises occupied or controlled by the person which are not specified in the application to investigate a relevant offence effectively, and

(b) that it is not reasonably practicable to specify in the application all the premises which the person occupies or controls and may need to be entered to investigate the offence effectively.

(5) A warrant under this section authorises entry on one occasion only unless it specifies that it authorises multiple entries.

(6) If the warrant authorises multiple entries, it must also specify whether the number of entries authorised is unlimited or limited to a specified maximum.

(7) A warrant under this section—

(a) authorises the Chief Inspector to exercise the powers of investigation conferred by section 127D(1)(a), and

(b) may authorise the Chief Inspector to exercise the powers of investigation conferred by section 127D(1)(b) to (k) or particular powers.

(8) The power of entry must be exercised at a reasonable hour unless the Chief Inspector considers that the purpose of entry and investigation may be frustrated by entry at a reasonable hour.

(9) Before entering premises under a warrant, the Chief Inspector must—

(a) produce evidence of their identity, and

(b) outline the purpose for which the power is exercised,

if asked to do so by a person on the premises.

(10) On entering premises under a warrant, the Chief Inspector must—

(a) provide a copy of the warrant to the occupier or to any other person appearing to be in charge of the premises, or

(b) if neither the occupier nor any such person is present, leave a copy of the warrant in a prominent place on the premises.

(11) When entering premises under a warrant, the Chief Inspector may be accompanied by any person and bring anything to facilitate the exercise of a power conferred by section 127D(1).

(12) A person who accompanies the Chief Inspector under subsection (11) may only do something intended to facilitate the exercise of a power conferred by section 127D(1) while—

(a) in the company of the Chief Inspector, and

(b) under the Chief Inspector's supervision.

(13) The following provisions of the Police and Criminal Evidence Act 1984 apply to a warrant under this section as though references there to a constable were to the Chief Inspector—

(a) subsections (2) to (8) of section 15 (search warrants: safeguards);

(b) subsections (3), (9), and (10) to (12) of section 16 (execution of warrants).

127D Powers of investigation following entry under warrant

(1) On entering any premises under a warrant issued under section 127C (and subject to any limitation imposed under section 127C(7)) the Chief Inspector may—

(a) do anything that may be done under section 127B(4) (following an entry without warrant);

(b) search the premises;

(c) inspect any information capable of being viewed using equipment or a device on the premises;

(d) require any person on the premises to produce any document in the person's possession or control;

(e) take copies of any document produced in response to a requirement under paragraph (d);

(f) require any person on the premises to produce any information which is stored in electronic form and is accessible from the premises in a form in which it can be taken away and in which it is visible and legible (or from which it can readily be produced in a visible and legible form);

(g) operate any equipment found on the premises for the purposes of producing such information in such a form;

(h) take copies of anything produced under paragraph (f) or (g);

(i) seize any document or equipment found on the premises, or anything produced in response to a requirement under paragraph (d) or (f) or produced under paragraph (g);

(j) interview any person aged 18 or over on the premises where there is reasonable cause to believe that the person can provide information relating to a relevant offence, and require the person to provide any such information;

(k) require any person on the premises to provide the Chief Inspector with whatever facilities and assistance within the person's control are necessary to enable the Chief Inspector to exercise the powers conferred by this section.

(2) The Chief Inspector may only exercise a power conferred by subsection (1)(b) to (k) for the purpose for which the warrant under section 127C was issued.

(3) Anything seized under subsection (1)(e), (h) or (i) may be retained for so long as is necessary in all the circumstances.

(4) Where the Chief Inspector exercises the power conferred by subsection (1)(j) to interview a person—

(a) they may be interviewed either alone or in the presence of one or more other persons;

(b) no answer which the person gives during the interview is admissible in evidence against the person, or the person's spouse or civil partner, in any criminal proceedings.

(5) Subsection (4)(b) does not apply in relation to proceedings for—

(a) an offence under section 127F(4) (refusal to be interviewed or provide information during an interview),

(b) an offence under section 5 of the Perjury Act 1911, or

(c) another offence where, in giving evidence, the person makes a statement inconsistent with an answer given by them during the interview.

(6) An answer may not be used against a person by virtue of subsection (5)(c) unless evidence relating to it is adduced, or a question relating to it is asked, by or on behalf of the person in the proceedings.

(7) This section does not confer power to inspect, seize or take copies of anything of a kind specified in section 9(2) of the Police and Criminal Evidence Act 1984 (legally privileged material etc), other than such of the following as is relevant to the investigation of a relevant offence—

(a) material that is excluded material within the meaning of section 11(1)(a) of the Police and Criminal Evidence Act 1984;

(b) material that is special procedure material within the meaning of section 14(2) of that Act.

127E Power of constable to assist

(1) The Chief Inspector may apply to a justice of the peace for a warrant authorising a constable to assist the Chief Inspector, using reasonable force if necessary, to—

(a) enter premises mentioned in subsection (2) under a warrant issued under section 127C, or

(b) exercise a power conferred by section 127D on premises mentioned in subsection (2).

(2) The premises are—

(a) one or more premises specified in the application, or

(b) any premises occupied or controlled by a person specified in the application.

(3) The justice may issue a warrant only if satisfied that the requirement in section 127A(1) (reasonable cause for belief) is met, and that—

(a) the Chief Inspector has attempted to exercise a power conferred by section 127C or 127D but has been prevented from doing so,

(b) the Chief Inspector reasonably expects to be prevented from exercising any such power if an attempt to do so is made, or

(c) the purpose of exercising any such power may be frustrated unless the Chief Inspector, on arriving at the premises, can exercise the power immediately.

(4) A warrant under this section must be issued to and executed by a constable.

(5) Section 15 of the Police and Criminal Evidence Act 1984 (search warrants: safeguards) applies in relation to a warrant under this section as though references in subsections (2) and (4) to a constable were to the Chief Inspector.

127F Offences: obstruction etc

(1) A person commits an offence if they intentionally obstruct another person in the exercise of any power conferred by section 127B, 127C or 127D.

(2) A person commits an offence if they intentionally fail to produce any document required under section 127D(1)(d).

(3) A person commits an offence if they intentionally fail to produce any information required under section 127D(1)(f) in the form required under that paragraph.

(4) A person commits an offence if they—

(a) refuse to be interviewed under section 127D(1)(j), or

(b) intentionally fail to provide any information required during the course of an interview under that paragraph.

(5) A person commits an offence if they intentionally fail to comply with a requirement reasonably imposed under section 127D(1)(k) (power to require assistance).

(6) In proceedings for an offence under any of subsections (2) to (5), it is a defence to show that the person had a reasonable excuse—

(a) in the case of an offence under subsection (2), for failing to produce the document;

(b) in the case of an offence under subsection (3), for failing to produce the information in the form required;

(c) in the case of an offence under subsection (4)(a), for refusing to be interviewed;

(d) in the case of an offence under subsection (4)(b), for failing to provide the information;

(e) in the case of an offence under subsection (5), for failing to comply with the requirement.

(7) A person is taken to have shown a fact mentioned in subsection (6) if—

(a) sufficient evidence is adduced to raise an issue with respect to it, and

(b) the contrary is not proved beyond reasonable doubt.

(8) A person who commits an offence under this section is liable on summary conviction to a fine."

(4) In section 138 (interpretation), after subsection (3) (inserted by section 46(11)) insert—

"(4) A reference in this Chapter to an inspection of an institution does not include a reference to an inspection of premises carried out by the Chief Inspector in the course of exercising a power conferred by section 127B or 127D."

(5) The Criminal Justice and Police Act 2001 is amended as follows.

(6) In section 57(1) (retention of seized items), after paragraph (y) (inserted by the Border Security, Asylum and Immigration Act 2025) insert—

"(z) section 127D(3) of the Education and Skills Act 2008."

(7) In section 65 (meaning of "legal privilege")—

(a) after subsection (8C) insert—

"(8D) An item which is, or is comprised in, property which has been seized in exercise or purported exercise of the power of seizure conferred by section 127D(1)(e), (h) or (i) of the Education and Skills Act 2008 is to be taken for the purposes of this Part to be an item subject to legal privilege if, and only if, the seizure of that item was in contravention of section 127D(7) of that Act.";

(b) in subsection (9)—

(i) at the end of paragraph (e) omit "or";

(ii) at the end of paragraph (g) insert ", or";

(iii) after paragraph (g) insert—

"(h) section 127D(1)(e), (h) or (i) of the Education and Skills Act 2008."

(8) In Part 1 of Schedule 1 (powers of seizure to which section 50 of the Act applies), after paragraph 73Y (inserted by the Border Security, Asylum and Immigration Act 2025) insert—

"Education and Skills Act 2008

73Z Each of the powers of seizure conferred by section 127D(1)(e), (h) and (i) of the Education and Skills Act 2008."

50 Application of schools provision to independent educational institutions

(1) The Education and Skills Act 2008 is amended as follows.

(2) After section 137 insert—

"**137A Application of schools provision to independent educational institutions**

(1) Regulations may provide for any relevant enactment to apply (with or without modifications) in relation to an independent educational institution (or an independent educational institution of a prescribed description) which is not an independent school as that enactment applies in England in relation to an independent school.

(2) "Relevant enactment" means an enactment made by or under any other Act passed before the end of the session in which the Children's Wellbeing and Schools Act 2026 was passed, including any other Act as amended by or under that Act."

(3) In section 166(2) (instruments subject to affirmative procedure)—

(a) omit the "or" at the end of paragraph (g);

(b) after that paragraph insert—

"(ga) regulations under section 137A, or".

Inspections of schools and colleges

51 Inspectors and inspectorates: reports and information sharing

(1) In section 87BA of the Children Act 1989 (quality assurance of inspectors under section 87A), for subsection (1) substitute—

"(1) The Secretary of State may require the Chief Inspector for England to prepare and send to the Secretary of State a report about—

(a) a particular inspector appointed under section 87A, or

(b) inspectors appointed under that section generally or of a particular description."

(2) After that section insert—

"**87BB Information sharing between the Chief Inspector for England and section 87A inspectors**

(1) The Chief Inspector for England may disclose information to an inspector appointed under section 87A for the purpose of enabling or facilitating the exercise by the inspector of the function mentioned in section 87A(2)(b).

(2) A disclosure of information under this section made for the purpose of safeguarding or promoting the welfare of children provided with accommodation by a school or college does not breach—

(a) any obligation of confidence owed by the Chief Inspector for England, or

(b) any other restriction on the disclosure of information (however imposed)."

(3) In section 107 of the Education and Skills Act 2008 (quality assurance of independent inspectorates), for subsection (1) substitute—

"(1) The Secretary of State may require the Chief Inspector to prepare and send to the Secretary of State a report about—

(a) a particular independent inspectorate, or

(b) independent inspectorates generally or of a particular description."

(4) After that section insert—

"**107A Information sharing between the Chief Inspector and independent inspectorates**

(1) The Chief Inspector may disclose information to an independent inspectorate for the purpose of enabling or facilitating the inspection by the inspectorate of registered independent educational institutions.

(2) A disclosure of information under this section made for the purpose of safeguarding or promoting the welfare of students at a registered independent educational institution does not breach—

(a) any obligation of confidence owed by the Chief Inspector, or

(b) any other restriction on the disclosure of information (however imposed)."

Teacher misconduct

52 Teacher misconduct

(1) The Education Act 2002 is amended as follows.

(2) In section 141A (teachers to whom misconduct regime applies)—

(a) in subsection (1)—

(i) in the words before paragraph (a), after "is" insert "or has (at any time) been";

(ii) after paragraph (ba) insert—

"(bb) an independent educational institution in England that is not a school,

(bc) an institution in England within the further education sector,

(bd) a special post-16 institution in England,

(be) an independent training provider,

(bf) an online education provider (see section 141AA),";

(b) in subsection (2), after the definition of "children's home" insert—

""independent educational institution" has the same meaning as in Chapter 1 of Part 4 of the Education and Skills Act 2008;

"independent training provider" has the same meaning as in sections 1 to 4 of the Skills and Post-16 Education Act 2022 (see section 4 of that Act);

"special post-16 institution" has the same meaning as in Part 3 of the Children and Families Act 2014 (see section 83 of that Act);".

(3) After section 141A insert—

"**141AA Meaning of "online education provider"**

(1) An online education provider is an institution that meets the following conditions.

(2) The first condition is that it is—

(a) a company registered under the Companies Act 2006 which has its registered office for the purposes of that Act in England, or

(b) a charity registered in accordance with section 30 of the Charities Act 2011 which has its address in England for the purposes of registration by the Charity Commission.

(3) The second condition is that it provides education to at least one student who lives in England and who—

(a) is of compulsory school age,

(b) is over compulsory school age but is under the age of 19, or

(c) is aged 19 or over and has an EHC plan that specifies that the student should be in full-time education.

(4) The third condition is that at least one of the students mentioned in subsection (3) receives all or the majority of their education from the institution.

(5) The fourth condition is that it is set up to deliver all or the majority of the education that it provides online.

(6) The Secretary of State may by regulations amend this section so as to add a new condition or remove or change a condition for the time being specified."

(4) In section 141B (investigation of disciplinary cases by the Secretary of State)—

(a) in subsection (1)—

(i) in the words before paragraph (a), for "an allegation is referred" substitute "it appears";

(ii) in paragraph (a), for "may be" substitute "may (at any time) have been";

(b) after subsection (3) insert—

"(3A) For the purposes of subsection (1)(a) or (b) it is irrelevant whether the conduct occurred, or the offence was committed, at a time when the person was employed or engaged to carry out teaching work or at some other time."

(5) In section 141D(4) (supply of information following dismissal, resignation etc: definitions)—

(a) in the definition of "relevant employer"—

(i) in paragraph (c), for "or 16 to 19 Academy" substitute ", a 16 to 19 Academy, an independent educational institution or a special post-16 institution";

(ii) after paragraph (d) insert—

"(da) a person who employs or engages a person to teach at an institution within the further education sector, an independent training provider or an online education provider;";

(iii) in paragraph (e), after "employs" insert "or engages";

(b) after the definition of "children's home" insert—

""independent educational institution" has the same meaning as in Chapter 1 of Part 4 of the Education and Skills Act 2008;

"independent training provider" has the same meaning as in sections 1 to 4 of the Skills and Post-16 Education Act 2022 (see section 4 of that Act);";

(c) after the definition of "services" insert—

""special post-16 institution" has the same meaning as in Part 3 of the Children and Families Act 2014 (see section 83 of that Act);".

(6) In section 210(3) (instruments subject to affirmative procedure)—

(a) in the words before paragraph (a), after "order" insert "or regulations";

(b) omit the "or" at the end of paragraph (e);

(c) after paragraph (f) insert "or

(g) section 141AA(6),".

School teachers' qualifications and induction

53 School teachers' qualifications and induction

(1) The Education Act 2002 is amended as follows.

(2) In section 133 (requirement to be qualified), in subsection (6)—

(a) omit "or" after paragraph (a);

(b) after paragraph (b) insert ", or

(c) Academies of a description specified by the Secretary of State in regulations under this section."

(3) In section 135A(4) (requirement to serve induction period: teachers in England), at the end of the definition of "relevant school" insert "or Academies of a description specified by the Secretary of State in regulations under this section."

Academies

54 Academy schools: duty to follow National Curriculum

(1) The Academies Act 2010 is amended as follows.

(2) In section 1A (Academy schools)—

(a) in subsection (1), for paragraph (b) substitute—

"(b) its curriculum—

(i) satisfies the requirements of section 78 of EA 2002 (balanced and broadly based curriculum), and

(ii) includes the National Curriculum (see section 80(1)(b) of that Act),";

(b) after subsection (3) insert—

"(4) Any provision in Academy arrangements which is inconsistent with the requirement specified in subsection (1)(b)(ii) is of no effect to the extent of the inconsistency.

(5) Subsection (1)(b)(ii) does not apply in relation to an educational institution to the extent that—

(a) a direction under section 90(1) of EA 2002 (development work and experiments), or

(b) regulations under section 91 of that Act (exceptions),

provide that the National Curriculum does not apply in relation to the institution.

(6) See section 13A and Schedule 1A for provision about the application of provisions of EA 2002 for the purposes of subsection (1)(b)(ii)."

(3) After section 13 insert—

"**13A Application of education legislation**

Schedule 1A provides for certain legislation relating to the provision of education to apply in relation to Academies."

(4) After Schedule 1 insert—

"SCHEDULE 1A Section 13A

APPLICATION OF EDUCATION LEGISLATION

Part 6 of EA 2002: National Curriculum for England

1 Sections 82 to 94 and 96 of EA 2002 (National Curriculum for England) apply in relation to an Academy school, for the purposes of section 1A(1)

(b)(ii) of this Act, as they apply in relation to a maintained school within the meaning of Part 6 of EA 2002.

2 For the purposes of paragraph 1, sections 82 to 94 and 96 of EA 2002 apply as if—

(a) references to the governing body or the head teacher of a maintained school were to the proprietor of an Academy school;

(b) in section 88 (implementation of the National Curriculum for England in schools), in each of subsections (1) and (1A), paragraph (a) were omitted;

(c) in section 90 (development work and experiments)—

(i) for subsection (3) there were substituted—

"(3) The Secretary of State must not give a direction under subsection (1) in relation to an Academy school except on an application by the proprietor of the school.", and

(ii) subsection (4) were omitted;

(d) in section 94 (information concerning directions under section 93)—

(i) for subsection (1) there were substituted—

"(1) Where the proprietor of an Academy school gives or varies a direction under regulations made under section 93, the proprietor must take such steps as may be prescribed to give the information mentioned in subsection (2) to a parent of the pupil concerned.", and

(ii) for subsection (4) there were substituted—

"(4) Where the proprietor of an Academy school includes an indication of any such opinion in information given under subsection (1), the proprietor must also give that information, in such manner as may be prescribed, to the local authority who are the responsible authority in relation to the pupil in question.";

(e) in section 96(2) (procedure for orders and regulations), after paragraph (b) there were inserted—

"(ba) bodies representing the interests of proprietors of Academy schools, and"."

(5) In section 96 of the Education Act 2002 (procedure for making certain orders and regulations), after subsection (7) insert—

"(8) An order made under any provision of this Part may (in addition to any provision that it may make by virtue of section 210(7)) make provision amending Schedule 1A to the Academies Act 2010 (application of education legislation)."

55 Academy schools: educational provision for improving behaviour

(1) In the Education Act 2002, in section 29A (power of governing body in England: educational provision for improving behaviour), after subsection (4) insert—

"(5) Regulations may make provision for this section and regulations made under it to apply, with prescribed modifications, in relation to Academy schools."

(2) In the Education Act 1996, in section 444ZA (application of section 444 to alternative educational provision), in subsection (1D)—

(a) in the words before paragraph (a), for "or a pupil referral unit" substitute ", a pupil referral unit or an Academy";

(b) after paragraph (b) insert—

"For provision about the application of sections 29A and 51A of the Education Act 2002 in relation to Academies, see sections 29A(5) and 51A(12) of that Act."

(3) The provision that may be made in relation to Academy schools by the first regulations under section 29A(5) of the Education Act 2002 includes provision in relation to any relevant requirement imposed before those regulations come into force.

(4) In relation to an Academy school, the requirement referred to in section 444ZA(1B) of the Education Act 1996 includes a reference to a relevant requirement imposed before the first regulations under section 29A(5) of the Education Act 2002 come into force.

(5) In subsections (3) and (4) "relevant requirement", in relation to an Academy school, means a requirement imposed by the proprietor of the school on a registered pupil to attend any place outside the school premises for the purpose of receiving educational provision which is intended to improve the behaviour of the pupil.

56 Academies: power to secure performance of proprietor's duties

After section 497B of the Education Act 1996 (but before the italic heading before section 498) insert—

"**497C Academies: power to secure performance of proprietor's duties**

(1) If the Secretary of State is satisfied that the proprietor of an Academy has breached a duty imposed by Academy arrangements, the Secretary of State may give the proprietor such directions as the Secretary of State considers appropriate to secure the proper performance of the duty.

(2) Subsection (3) applies (instead of section 572) to the giving of a direction under this section.

(3) The Secretary of State may give a direction under this section to the proprietor of an Academy by—

(a) delivering it by hand to the proprietor,

(b) leaving it at or sending it by post to any address at which the Secretary of State believes, on reasonable grounds, that the notice will come to the attention of the proprietor, or

(c) sending it to any email address by means of which the Secretary of State believes, on reasonable grounds, that the notice will come to the attention of the proprietor.

(4) A direction under this section is enforceable, on the application of the Secretary of State, by a mandatory order.

(5) In this section, a reference to an Academy includes a reference to a city technology college and a city college for the technology of the arts."

57 Inspection of Academy proprietors

(1) The Education and Inspections Act 2006 is amended in accordance with subsections (2) and (3).

(2) In Part 8 (inspections), after Chapter 2, insert—

"CHAPTER 2A

INSPECTION OF ACADEMY PROPRIETORS

Inspection

122A Duty to inspect Academy proprietors at specified intervals

(1) The Chief Inspector must—

(a) conduct inspections of every Academy proprietor at such intervals as may be specified in regulations made by the Secretary of State, and

(b) prepare a written report on completion of each inspection.

(2) The Secretary of State may by regulations provide that subsection (1) does not apply in relation to specified categories of Academy proprietor in specified circumstances.

(3) An Academy proprietor in relation to which subsection (1) does not apply by virtue of regulations under subsection (2) is an "exempt proprietor".

(4) When conducting an inspection under this section, the Chief Inspector must have regard to any views about the matters listed in section 122B(2) which are expressed to the Chief Inspector by—

(a) such persons as may be specified in regulations made by the Secretary of State;

(b) such other persons as the Chief Inspector considers appropriate.

(5) Subsection (1) has effect subject to subsection 122E.

(6) An inspection which is required under this section must not extend to—

(a) denominational education provided at an Academy which has been designated as having a religious character, or which is to be treated as having been so designated by virtue of section 6(8) of the Academies Act 2010, or

(b) the content of collective worship at such an Academy.

122B Report of section 122A inspection

(1) It is the general duty of the Chief Inspector, when conducting an inspection under section 122A, to report on the quality and effectiveness of the Academy

proprietor's leadership, management and governance in connection with its role as an Academy proprietor.

(2) The Chief Inspector's report must (in particular) cover—

(a) the quality and effectiveness of any activities undertaken by the Academy proprietor to secure the provision of a quality education to registered pupils and students of its Academies;

(b) the quality and effectiveness of the Academy proprietor's governance and executive leadership;

(c) the quality and effectiveness of any activities undertaken by the Academy proprietor to promote the wellbeing of children and young persons;

(d) the quality and effectiveness of any activities undertaken by the Academy proprietor to secure improvements in its Academies;

(e) the quality and effectiveness of the Academy proprietor's management of its resources;

(f) such other matters as may be specified in regulations made by the Secretary of State.

(3) The Chief Inspector must send a copy of a report under section 122A(1)(b) to—

(a) the Academy proprietor, and

(b) the Secretary of State.

(4) The Academy proprietor must—

(a) make a copy of any report sent to it under subsection (3) available for inspection by members of the public,

(b) provide a copy of the report, free of charge, upon request, and

(c) take such steps as are reasonably practicable to secure that every registered parent of a pupil at an Academy school or alternative provision Academy of which the Academy proprietor is the proprietor receives a copy of the report within five working days following receipt of the report by the Academy proprietor.

(5) The Chief Inspector may send a copy of the report to such other persons as the Chief Inspector considers appropriate.

(6) The Chief Inspector may arrange for the report to be published in such manner as the Chief Inspector considers appropriate.

(7) In this section—

"child" means a person aged under 18, and references to "children" are to be read accordingly;

"wellbeing", in relation to a child or young person, means their wellbeing so far as relating to the matters mentioned in section 10(2) of the Children Act 2004;

"working day" means a day other than a Saturday, a Sunday, Christmas Day, Good Friday or a bank holiday under the Banking and Financial Dealings Act 1971;

"young person" means any of the persons mentioned in section 10(9) of the Children Act 2004.

122C Other inspections

(1) The Chief Inspector must inspect and report on any Academy proprietor, or category of Academy proprietor, in connection with its role as an Academy proprietor, if requested to do so by the Secretary of State.

(2) The Chief Inspector may inspect and report on any Academy proprietor, in connection with its role as an Academy proprietor, in circumstances where there is no requirement to do so under any other provision of this Chapter.

(3) If the Chief Inspector carries out an inspection under subsection (2) in response to a request from the Academy proprietor, the Chief Inspector may charge the Academy proprietor for the cost of the inspection.

(4) An inspection which is conducted under this section must not extend to—

(a) denominational education provided at an Academy which has been designated as having a religious character, or which is to be treated as having been so designated by virtue of section 6(8) of the Academies Act 2010, or

(b) the content of collective worship at such an Academy.

(5) The Chief Inspector may arrange for a report under this section to be published in such manner as the Chief Inspector considers appropriate.

122D Duty to notify certain persons of inspection

(1) Before conducting an inspection under section 122A the Chief Inspector must notify—

(a) the Academy proprietor, and

(b) any relevant religious body.

(2) If the Academy proprietor is notified by the Chief Inspector that the Chief Inspector is proposing to inspect the Academy proprietor under section 122A, the Academy proprietor must take such steps as are reasonably practicable to notify the following persons of the time when the inspection is to take place—

(a) the registered parents of registered pupils at any Academy school or alternative provision Academy of which the Academy proprietor is the proprietor;

(b) the members of the Academy proprietor (if any).

(3) If the Academy proprietor is notified by the Chief Inspector that the Chief Inspector is electing to treat, or is required by the Secretary of State to treat, an inspection under section 122C as if it were an inspection under section 122A as a result of the exercise of a power under section 122E, the Academy proprietor must take such steps as are reasonably practicable to notify the following persons that the inspection is being so treated, and of the time when the inspection is to take place—

(a) the registered parents of registered pupils at any Academy school or alternative provision Academy of which the Academy proprietor is the proprietor;

(b) the members of the Academy proprietor (if any);

(c) any relevant religious body.

(4) Any notification given under subsection (2)(a) or (3)(a) must include a statement, in a form approved by the Chief Inspector, inviting the registered parents of registered pupils to inform the Chief Inspector of their views on matters relating to—

(a) the Academy at which their child is a registered pupil;

(b) the Academy proprietor.

122E Power or duty to treat other inspection as section 122A inspection

(1) The Chief Inspector may elect for an inspection under section 122C of an Academy proprietor to which section 122A applies to be treated as if it were an inspection under section 122A for the purposes of section 122A(1), section 122B(3) to (6) and section 122H.

(2) In the case of an inspection of an exempt proprietor under section 122C, the Chief Inspector may elect to treat the inspection as if it were an inspection under section 122A for the purposes of section 122A(4) and sections 122B and 122H.

(3) The Secretary of State may require the Chief Inspector to treat an inspection under section 122C(1) of an Academy proprietor to which section 122A applies as if it were an inspection under section 122A for the purposes of section 122A(1) and (4) and sections 122B and 122H.

(4) In the case of an inspection of an exempt proprietor under section 122C(1), the Secretary of State may require the Chief Inspector to treat the inspection as if it were an inspection under section 122A for the purposes of section 122A(4) and sections 122B and 122H.

(5) In this section, "exempt proprietor" has the meaning given by section 122A(3).

122F Framework for inspections under this Chapter

(1) The Chief Inspector must devise—

(a) a common set of principles applicable to all inspections conducted under this Chapter, or

(b) two or more common sets of principles each of which is applicable to a particular description of such inspections.

(2) A set of principles devised under subsection (1)(a) or (b) is referred to in this section as a "framework".

(3) If the Chief Inspector devises two or more frameworks under subsection (1)(b), the Chief Inspector must ensure that, taken together, they cover all inspections conducted under this Chapter.

(4) A framework must cover such matters as may be specified in regulations made by the Secretary of State.

(5) The Chief Inspector must publish a framework in such manner as the Chief Inspector considers appropriate.

(6) The Chief Inspector may at any time revise a framework.

(7) The Chief Inspector must publish a revised framework in such manner as the Chief Inspector considers appropriate.

(8) In devising or revising a framework, the Chief Inspector must have regard to guidance given from time to time by the Secretary of State.

Powers of entry etc.

122G Powers of entry etc. for purposes of inspection

(1) This section applies to an inspection conducted by the Chief Inspector under this Chapter.

(2) The Chief Inspector may, at any reasonable time, enter—

(a) any premises of the Academy proprietor;

(b) the premises of any Academy of which the Academy proprietor is the proprietor;

(c) any other premises on which, by virtue of arrangements made by the Academy proprietor, any pupils or students who are registered at an Academy within paragraph (b) are receiving part of their education from any person ("the provider");

(d) any premises of the provider used in connection with the provision by the provider of that education.

(3) The Chief Inspector may, at any reasonable time, inspect, take copies of, or take away such of the following as the Chief Inspector considers relevant to the discharge of the Chief Inspector's functions under this Chapter—

(a) any documents or records kept by the Academy proprietor;

(b) any documents or records kept by an Academy of which the Academy proprietor is the proprietor;

(c) any documents or records kept by the provider relating to the provision of education by virtue of arrangements made by the Academy proprietor.

(4) The power in subsection (3) includes—

(a) power to require any person holding or accountable for any such documents or records to produce them, and

(b) in relation to any such documents or records kept by means of a computer, power to require them to be produced in a form in which they are legible and can be taken away.

(5) In connection with inspecting any such documents or records the Chief Inspector—

(a) may obtain access to, and inspect and check the operation of, any computer and associated apparatus or material which the Chief Inspector considers is or has been in use in connection with the documents or records, and

(b) may require a person within subsection (6) to afford the Chief Inspector such reasonable assistance as the Chief Inspector requires for that purpose.

(6) A person is within this subsection if that person is—

(a) the person by whom or on whose behalf the computer is or has been used, or

(b) a person having charge of, or otherwise concerned with the operation of, the computer, apparatus or material.

(7) A person is guilty of an offence if that person intentionally obstructs the Chief Inspector in the exercise of any function conferred by this Chapter.

(8) A person who commits an offence under this section is liable on summary conviction to a fine not exceeding level 4 on the standard scale.

Academy proprietors not performing to acceptable standard

122H Academy proprietors not performing to acceptable standard

(1) Subsections (2) to (4) apply if, on completion of an inspection under section 122A, the Chief Inspector is of the opinion that—

(a) the persons responsible for leading, managing and governing the Academy proprietor are failing to lead, manage or govern the Academy proprietor to an acceptable standard, or

(b) the Academy proprietor is failing to lead, manage or govern an Academy of which it is the proprietor to an acceptable standard.

(2) The Chief Inspector must—

(a) send a draft of the report of the inspection to the Academy proprietor, and

(b) consider any comments on the draft that are made by the Academy proprietor within such period as may be specified in regulations made by the Secretary of State.

(3) Where, after complying with subsection (2), the Chief Inspector is of the opinion that the case falls within paragraph (a) or (b) of subsection (1), the Chief Inspector must—

(a) without delay, notify the following persons in writing of that opinion—

(i) the Secretary of State, and

(ii) the Academy proprietor, and

(b) state that opinion in the report of the inspection.

(4) A notification made under subsection (3)(a) must also record—

(a) in a case within subsection (1)(a), whether the Chief Inspector is of the opinion that the persons responsible for leading, managing and governing the Academy proprietor are demonstrating the capacity to secure the necessary improvement in the Academy proprietor;

(b) in a case within subsection (1)(b), whether the Chief Inspector is of the opinion that the Academy proprietor is demonstrating the capacity to secure the necessary improvement in the Academy.

Supplementary

122I Regulations under Chapter 2A

Regulations under this Chapter may—

(a) make different provision for different purposes;

(b) make consequential provision.

122J Interpretation of Chapter 2A

(1) In this Chapter—

"Academy" means an educational institution to which Academy arrangements relate;

"Academy arrangements" has the meaning given by section 1 of the Academies Act 2010;

"Academy proprietor" is a person who, in pursuance of Academy arrangements, is the proprietor of an Academy;

"Academy school" has the meaning given by section 1A of the Academies Act 2010;

"alternative provision Academy" has the meaning given by section 1C of that Act;

"denominational education", in relation to an Academy, means religious education which—

(a) is provided in accordance with—

(i) any provisions of the trust deed affecting the Academy which relate to the teaching and learning of religious education, or

(ii) the tenets of the religion or religious denomination in relation to which the Academy is designated, and

(b) is not required by Academy arrangements to be given in accordance with the requirements for agreed syllabuses in section 375(3) of the Education Act 1996;

"parent" has the meaning given by section 576 of that Act;

"registered", in relation to the parents of pupils at an Academy school or alternative provision Academy, means shown in the register kept under section 434 of that Act;

"registered pupil", in relation to an Academy school or alternative provision Academy, means a person registered as a pupil in that register;

"relevant religious body", in relation to an Academy, means—

(a) in the case of a Church of England Academy or a Roman Catholic Church Academy, the appropriate diocesan authority, and

(b) in any other case, such body or person as is specified in the Academy arrangements relating to the Academy as representing the religion or religious denomination in relation to which the Academy is designated,

and in the case of an Academy designated in relation to more than one religion or religious denomination, references to "the relevant religious body" are to be read as references to all of the relevant religious bodies applicable to the Academy;

"trust deed", in relation to an Academy, includes any instrument (other than the articles or memorandum of association) regulating the constitution of the Academy proprietor or the maintenance, management or conduct of the Academy.

(2) In subsection (1)—

(a) "Church of England Academy" means an Academy in the Province of Canterbury or York in relation to which the religion or religious denomination specified in the order designating the Academy as having a religious character is "Church of England" and "appropriate diocesan authority", in relation to such an Academy, means the Diocesan Board of Education for the diocese of the Church of England in which the school is situated, and

(b) "Roman Catholic Church Academy" means an Academy in relation to which the religion or religious denomination specified in the order designating the Academy as having a religious character is "Roman Catholic" and "appropriate diocesan authority", in relation to such an Academy, means the bishop of the Roman Catholic diocese in which the Academy is situated.

(3) For the purposes of this Chapter, an Academy has been "designated as having a religious character" if it has been so designated by an order under—

(a) section 69(3) of the School Standards and Framework Act 1998 by virtue of section 124B(2) of that Act, or

(b) section 8A(1) of the Academies Act 2010 (16 to 19 academies having religious character),

and references to the order designating the Academy as having a religious character should be read accordingly."

(3) In section 182 (parliamentary control of orders and regulations), in subsection (3), after paragraph (aza) insert—

"(azb) regulations under section 122A(2) (power to exempt Academy proprietors from regular inspection),

(azc) regulations under section 122B(2)(f) (power to make provision about content of inspection report),

(azd) regulations under section 122F(4) (power to make provision about content of inspection framework),".

(4) The Academies Act 2010 is amended in accordance with subsections (5) to (7).

(5) After section 2A insert—

"**2AA Academy agreements: provision about failing Academy proprietors**

(1) An Academy agreement must include provision allowing the Secretary of State to terminate the agreement if the Chief Inspector has given notice under section 122H(3)(a) of the Education and Inspections Act 2006 that—

(a) the persons responsible for leading, managing and governing the Academy proprietor are failing to lead, manage or govern the Academy proprietor to an acceptable standard, or

(b) the Academy proprietor is failing to lead, manage or govern an Academy of which it is the proprietor to an acceptable standard.

(2) The Academy agreement must require the Secretary of State, before terminating the agreement on one of those grounds, to give the proprietor a termination warning notice.

(3) A termination warning notice is a notice—

(a) requesting that the Academy proprietor respond to the Secretary of State by making representations, or

(b) requiring the Academy proprietor—

(i) to take specified action by a specified date, and

(ii) to respond to the Secretary of State by making representations, or by agreeing to take that action, by a specified date.

(4) The Academy agreement must provide that, where a termination warning notice under subsection (3)(b) is given to the Academy proprietor on one of the grounds specified in subsection (1), the power to terminate the agreement is available only if the proprietor has failed to comply with the termination warning notice (whether by failing to take specified action, or to respond, on time)."

(6) For section 2C (new academy agreements) substitute—

"**2C Sections 2A, 2AA and 2B supplementary - new agreements**

(1) An Academy agreement made on or after 18 April 2016, but before the day on which section 57 of the Children's Wellbeing and Schools Act 2026 comes fully into force may include further provision about—

(a) the procedure for terminating the agreement in accordance with the provision required by section 2A or 2B;

(b) the consequences of terminating the agreement in accordance with that provision.

(2) An academy agreement made on or after the day on which section 57 of the Children's Wellbeing and Schools Act 2026 comes fully into force may include further provision about—

(a) the procedure for terminating the agreement in accordance with the provision required by section 2A, 2AA or 2B;

(b) the consequences of terminating the agreement in accordance with that provision.

(3) Section 2D makes provision about agreements entered into before those dates."

(7) For section 2D (old academy agreements) substitute—

"**2D Sections 2A, 2AA and 2B supplementary - old agreements**

(1) An old Academy agreement is to be treated as if it included the new termination powers.

(2) A pre-section 2AA agreement is to be treated as if it included the section 2AA termination powers.

(3) A provision of an old Academy agreement that relates to the procedure for terminating the agreement does not apply to the new termination powers.

(4) A provision of a pre-section 2AA agreement that relates to the procedure for terminating the agreement does not apply to the section 2AA termination powers.

(5) Subsections (6) and (7) apply where an old Academy agreement or a pre-section 2AA Academy agreement—

(a) contains provision about the consequences of terminating the agreement ("relevant provision"), and

(b) the relevant provision is expressed in a way that—

(i) in the case of an old Academy agreement, is capable of covering termination in accordance with the new termination powers;

(ii) in the case of a pre-section 2AA agreement, is capable of covering termination in accordance with the section 2AA termination powers.

(6) The relevant provision applies to termination in accordance with—

(a) in the case of an old Academy agreement, the new termination powers;

(b) in the case of a pre-section 2AA agreement, the section 2AA termination powers.

(7) If the relevant provision sets out different consequences depending on whether the agreement is terminated on the ground that the proprietor has breached the Agreement or on other grounds—

(a) in the case of an old Academy agreement, termination in accordance with the new termination powers is to be treated as termination on the grounds of breach by the proprietor, and

(b) in the case of a pre-section 2AA agreement, termination in accordance with the section 2AA termination powers is to be treated as termination on the grounds of breach by the proprietor.

(8) In this section—

"new termination powers", in relation to an Academy agreement, means the powers to terminate in accordance with the provision required by sections 2A, 2AA and 2B;

"old Academy agreement" means an Academy agreement made before 18 April 2016;

"pre-section 2AA agreement" means an Academy agreement made on or after the 18 April 2016, but before the day on which section 57

of the Children's Wellbeing and Schools Act 2026 comes fully into force;

"section 2AA termination powers" in relation to an Academy agreement, means the powers to terminate in accordance with the provision required by section 2AA."

58 Repeal of duty to make Academy order in relation to school causing concern

(1) The Academies Act 2010 is amended as follows.

(2) In section 4 (Academy orders)—

(a) omit subsection (A1);

(b) in subsection (1)(b), omit "other than by virtue of section 61 or 62 of EIA 2006".

(3) In section 5(2) (consultation about conversion: schools not eligible for intervention), for "section 4(A1) or (1)(b)" substitute "section 4(1)(b)".

(4) Omit section 5A (consultation about identity of Academy sponsor).

(5) In section 5B(1) (duty to facilitate conversion), for "section 4(A1) or (1)(b)" substitute "section 4(1)(b)".

(6) In section 5C(1) (power to give directions to do with conversion), for "section 4(A1) or (1)(b)" substitute "section 4(1)(b)".

(7) In section 5D (power to revoke Academy orders)—

(a) in the heading, for "section 4(A1) or (1)(b)" substitute "section 4(1)(b)";

(b) in subsection (1), for "section 4(A1) or (1)(b)" substitute "section 4(1)(b)".

(8) In the Education and Adoption Act 2016, omit sections 7 and 9.

(9) The amendments made by this section are to be disregarded in a case where, immediately before the day on which this section comes into force—

(a) an order under section 4(A1) of the Academies Act 2010 has effect in respect of a school, and

(b) the school has not been converted into an Academy in pursuance of the order (and for this purpose "converted into an Academy" is to be read in accordance with section 4(3) of that Act).

Teachers' pay and conditions

59 Pay and conditions of Academy teachers

Schedule 3 amends Part 8 of the Education Act 2002 (teachers' pay and conditions etc) in relation to the pay and conditions of teachers at Academies (other than 16 to 19 Academies).

60 Application of pay and conditions orders to education action zones

(1) Section 128 of the Education Act 2002 (application of section 122 orders to teachers at schools forming part of education action zones) is repealed.

(2) In section 210(5) of that Act (order and regulations)—

(a) at the end of paragraph (b) insert "or";
(b) omit paragraph (c) (together with the final "or").

School places and admissions

61 Co-operation between schools and local authorities

(1) In the School Standards and Framework Act 1998, after section 85 insert—

"Co-operation between schools and local authorities

85ZA Co-operation in discharging functions under this Part (England)

(1) A local authority in England and the governing body of a maintained school in England must co-operate in the exercise of their respective functions under or by virtue of this Part.

(2) A local authority in England and the proprietor of an Academy school must co-operate in the exercise of their respective functions under or by virtue of this Part.

(3) Where Academy arrangements require the proprietor of an Academy school to act as if a provision of this Part applied to the school, the provision is to be taken so to apply for the purposes of subsection (2)."

(2) In the Education Act 1996, after section 19A insert—

"Contribution of individual schools

19B Schools to co-operate with local authority in securing adequate provision (England)

(1) This section applies where it is reasonably foreseeable that decisions about a relevant school in England will affect the ability of a local authority in England to discharge its duties under section 14 or section 19(1).

(2) The responsible body for the school must co-operate with the local authority with a view to achieving the objective in subsection (3).

(3) The objective is that decisions about the school will result in the school contributing, so far as is reasonable, to the effective discharge by the local authority of the duties concerned.

(4) For the purposes of subsection (1), a "relevant school" is a school within the first column of the following table, and the "responsible body" for such a school is identified in the second column—

"Relevant school"	"Responsible body"
A community school, foundation school, voluntary school, community special school or foundation special school	The governing body for the school

"Relevant school"	"Responsible body"
An Academy school or an alternative provision Academy	The proprietor of the school
A pupil referral unit for which there is a management committee (see paragraph 15 of Schedule 1)	The management committee for the unit

(5) In the application of this section to the management committee for a pupil referral unit, the reference in subsection (2) to the local authority is to be read as a reference to the local authority so far as it acts other than through the committee."

62 Power to direct admission: extension to Academies

(1) In section 96(8) of the School Standards and Framework Act 1998 (schools subject to local authority powers to direct admission of individual pupils), for "a maintained school" substitute "—

(a) a maintained school, or

(b) an Academy school, other than one specially organised to make special educational provision for pupils with special educational needs."

(2) In the same Act—

(a) in section 96(1), for "governing body of" substitute "admission authority for";

(b) in section 96(3A), after "99(2)(c)" insert "(or, in the case of an Academy school, that would fall within that provision if it applied)";

(c) in section 96, after subsection (4) insert—

"(4A) Where Academy arrangements require the proprietor of an Academy school to act as if sections 1 and 86 applied in respect of the school, those sections are to be taken so to apply for the purposes of subsection (4).";

(d) in section 96(5), for "governing body" substitute "admission authority";

(e) in section 97(1)(b), for "governing body of" substitute "admission authority for";

(f) in section 97(2)(a), for "governing body and head teacher of" substitute "admission authority for, and head teacher of,";

(g) in section 97(3), for "governing body" substitute "admission authority".

63 Power to direct admission: additional triggers

(1) Section 96 of the School Standards and Framework Act 1998 (general power of local authority to direct admission of individual pupil) is amended as follows.

(2) After subsection (1) insert—

"(1A) The local authority may also give such a direction (in the case of any child in their area) in circumstances specified in the code for school admissions.

(1B) For that purpose the code may only specify circumstances in which—

(a) a relevant procedure has been invoked, or

(b) the child who is to be the subject of the direction is a previously-looked-after child."

(3) In subsection (7), after "section" insert "—

"previously-looked-after child" means—

(a) a child who was looked after by a local authority in England or Wales but ceased to be so looked after as a result of—

(i) a child arrangements order, within the meaning given by section 8(1) of the Children Act 1989, which includes arrangements relating to with whom the child is to live, or when the child is to live with any person,

(ii) a special guardianship order, within the meaning given by section 14A of the Children Act 1989, or

(iii) an adoption order, within the meaning given by section 72(1) of the Adoption Act 1976 or section 46(1) of the Adoption and Children Act 2002, or

(b) a child who appears to the local authority—

(i) to have been in state care in a place outside England and Wales because the child would not otherwise have been cared for adequately, and

(ii) to have ceased to be in that state care as a result of being adopted;

"relevant procedure" means a procedure established under the code for school admissions for the purpose of securing admission to school for children who have failed to secure, or are considered at particular risk of not securing, admission through ordinary procedures;".

64 Functions of adjudicator in relation to admission numbers

(1) The School Standards and Framework Act 1998 is amended as follows.

(2) After section 88I insert—

"**88IA Changes to admission numbers**

(1) This section applies where—

(a) an objection about the admission arrangements for a school is referred to the adjudicator under section 88H(2),

(b) the objection relates wholly or partly to an admission number specified in the arrangements, and

(c) the adjudicator decides to uphold any aspect of the objection that relates to that number.

(2) This section also applies where—

(a) the Secretary of State refers the admission arrangements for a school to the adjudicator under section 88I(2),

(b) the Secretary of State does so wholly or partly on the basis that an admission number specified in the arrangements does not, or may not, conform with the requirements relating to admission arrangements, and

(c) the adjudicator decides that the admission number does not conform with those requirements.

(3) The adjudicator may, as part of the decision, determine the revised admission number that is to be specified in the admission arrangements.

(4) The adjudicator may, as part of the decision, also determine the corresponding admission number that is to be specified in the school's admission arrangements for the school year following the one to which the objection or reference relates.

(5) In making a determination under subsection (3) or (4), the adjudicator must take into account the potential impact of the determination on—

(a) the quality of education provided at—

(i) the school in question, and

(ii) other schools within the relevant area, and

(b) the ability to give effect to parental preference for—

(i) the school in question, and

(ii) other schools within the relevant area.

(6) Before determining an admission number under subsection (3) or (4) that is lower than the admission number specified in the admission arrangements to which the objection or reference relates, the adjudicator must consult and have regard to the views of the following persons about alternatives to lowering the admission number—

(a) the local authority for each school within the relevant area,

(b) the admission authority for the school in question, if different from the local authority for the school, and

(c) the Secretary of State.

(7) An admission number determined under subsection (3) or (4) and specified in admission arrangements is subject to variation under or by virtue of section 88E.

(8) Regulations may make provision—

(a) specifying persons whom the adjudicator must consult before making a determination under subsection (3) or (4);

(b) specifying further matters which the adjudicator must, or must not, take into account in making a determination under subsection (3) or (4);

(c) preventing the adjudicator from making such a determination if it would have an effect specified in the regulations.

(9) In this section—

"admission number", in relation to a school, means the number of pupils in a relevant age group that it is intended to admit to the school in a school year;

"relevant area", in relation to a school, has the same meaning as in section 88F (see subsection (4) of that section).

(10) In relation to a school at which boarding accommodation is provided for pupils, references in this section to an admission number include—

(a) the number of pupils in a relevant age group that it is intended to admit to the school in a school year as boarders, and

(b) the number of pupils in a relevant age group that it is intended to admit to the school in a school year otherwise than as boarders."

(3) In section 86 of the School Standards and Framework Act 1998 (parental preferences), after subsection (5B) insert—

"(5C) For the purposes of subsections (5) to (5B), a number specified in admission arrangements as a result of a determination by the adjudicator under section 88IA(3) or (4) is to be treated as having been determined under section 88C."

(4) In section 88K (sections 88H and 88I: supplementary)—

(a) in the heading, for "and 88I" substitute ", 88I and 88IA", and

(b) in subsection (5), for "section 88I" substitute "sections 88I and 88IA".

Establishment of new schools

65 Amendments to invitation process for establishment of new schools

(1) Part 2 of the Education and Inspections Act 2006 (establishment, discontinuance or alteration of schools) is amended in accordance with subsections (2) to (4).

(2) Omit section 6A (requirement to seek proposals for establishment of new Academies).

(3) In section 7 (invitation for proposals for establishment of new schools)—

(a) for subsection (1) substitute—

"(1) This section applies where a local authority in England think that a new school, other than a maintained nursery school, should be established in their area.

(1A) The local authority must (subject to subsection (2A)) publish a notice under this section inviting proposals from persons other than local authorities for the establishment of a new school falling within subsection (2).";

(b) in subsection (2)—

(i) in paragraph (a), omit the words from "other than" to the end of the paragraph (including the "or"), and

(ii) at the end of paragraph (b) insert ", or

(c) an alternative provision Academy,

other than a school providing education suitable only to the requirements of persons above compulsory school age.";

(c) after subsection (2) insert—

"(2A) A local authority are not required to publish a notice under this section (but may do so) if—

(a) the school that the local authority think should be established falls within section 10(2A), or

(b) proposals have been published under section 10(2B) by other persons and those proposals have not yet been determined.";

(d) in subsection (5), at the end of paragraph (a) insert ", and

(aa) may publish under this section proposals of their own for the establishment of—

(i) a new community, community special, foundation or foundation special school, other than one providing education suitable only to the requirements of persons above compulsory school age, or

(ii) a new pupil referral unit.";

(e) in subsection (6)—

(i) omit the "and" after paragraph (a), and

(ii) after paragraph (b) insert ", and

(c) the information which proposals within subsection (5)(aa) must contain.".

(4) In section 7A (withdrawal of notices under section 7)—

(a) in subsection (2)(a), omit ", with the consent of the Secretary of State";

(b) after subsection (2) insert—

"(3) If the local authority withdraw the notice in accordance with subsection (2)(a) or (b), the local authority must notify the Secretary of State."

(5) In section 10 of the Academies Act 2010 (consultation: new and expanded educational institutions), in subsection (1)(a) omit the words from "other" to "authority),".

66 Certain proposals to establish new schools: publication requirements etc

(1) Part 2 of the Education and Inspections Act 2006 (establishment, discontinuance or alteration of schools) is amended as follows.

(2) In section 10 (publication of proposals with consent of Secretary of State)—

(a) for the heading substitute "Proposals other than proposals pursuant to a section 7 notice: publication etc";

(b) for subsections (1) and (2) substitute—

"(1) Where a local authority in England propose to establish a new maintained nursery school, they must publish their proposals under this section.

(2) Where a local authority in England propose to establish a new school within subsection (2A), they may publish their proposals under this section if there is for the time being no notice under section 7 pursuant to which (by virtue of section 7(5)(aa)) they could publish such proposals.

(2A) A school is within this subsection if it is—

(a) a community, community special, foundation or foundation special school which—

(i) is not to be one providing education suitable only to the requirements of persons above compulsory school age, and

(ii) is to replace one or more maintained schools, or

(b) a pupil referral unit which is to replace one or more pupil referral units.

(2B) Where any persons other than a local authority ("proposers") propose to establish a new foundation, voluntary or foundation special school in England, they may publish their proposals under this section if there is for the time being no notice under section 7 pursuant to which such proposals could be made.";

(c) in subsection (5)—

(i) for "(2)" substitute "(2B)",

(ii) the words from "the proposers" to the end become paragraph (a), and

(iii) at the end of that paragraph insert ", and

(b) the local authority must take such action to publicise the proposals as may be prescribed."

(3) Omit section 11 (publication of proposals to establish maintained schools: special cases).

(4) In section 12 (establishment of school as federated school), in subsection (1)(a), for "7, 10 or 11" substitute "7 or 10".

(5) In section 13 (schools established outside area of relevant local authority), in paragraph (b), omit "or 11".

67 Establishment of pupil referral units

In section 28 of the Education and Inspections Act 2006 (restriction on establishment, alteration or discontinuance of schools), after subsection (4) insert—

"(5) A pupil referral unit may not be established except in pursuance of proposals falling to be implemented under this Part."

68 Process for considering, approving and implementing proposals for the establishment of new schools

Schedule 4 amends Schedule 2 to the Education and Inspections Act 2006 (proposals for establishment or discontinuance of schools in England).

69 Transitional provision

(1) The amendments made by section 65(2) and Schedule 4 do not apply in relation to a case where, before those provisions come into force, a local authority in England has—

(a) sought proposals for the establishment of an Academy under section 6A(1) of EIA 2006, and

(b) specified a date for the proposals to be submitted under subsection (2) of that section,

but a final determination of the proposals has not been made.

(2) The amendments made by section 65(3) and (4) and Schedule 4 do not apply in relation to a case where, before those provisions come into force, a local authority has published a notice under section 7 of EIA 2006 but a final determination of any proposals made pursuant to such a notice has not been made.

(3) The requirement to consult under section 9(1) of EIA 2006 in relation to a notice under section 7 of that Act as amended by section 65(3) may be satisfied by consultation that occurs wholly or partly before the coming into force of section 65(3).

(4) The amendments made by section 66(2) to (5) and Schedule 4 do not apply in relation to a case where, before those provisions come into force, a local authority or any other person has published proposals under section 10 or 11 of EIA 2006 but a final determination of the proposals has not been made.

(5) The requirement to consult under section 10(4) of EIA 2006 in relation to proposals may be satisfied by consultation that occurs wholly or partly before the coming into force of section 66(2).

(6) In this section, "EIA 2006" means the Education and Inspections Act 2006.

PART 3

ONLINE SAFETY ETC

70 Power to require providers of internet services to prevent or restrict access by children to internet services

(1) The Online Safety Act 2023 is amended as follows.

(2) After section 214 insert—

"Power to require providers of internet services to prevent or restrict access by children to internet services

214A Power to require providers of internet services to prevent or restrict access by children to internet services

(1) The Secretary of State may, for the purpose of protecting relevant children from a risk of harm (including harm presented by content), make provision by regulations requiring providers of specified internet services—

(a) to prevent access by relevant children to specified internet services which they provide, or to specified functionalities or other features of such services;

(b) to restrict access by relevant children to specified internet services which they provide, or to specified functionalities or other features of such services.

(2) "Relevant child" means a child who is of, or under, a specified age (and different ages may be specified for the purposes of paragraphs (a) and (b) of subsection (1)).

(3) The provision that may be made by regulations under this section includes provision—

(a) about the steps that must or may be taken by a provider for the purposes of complying with a requirement imposed by the regulations;

(b) about the monitoring of compliance with a requirement imposed by the regulations;

(c) about the enforcement of a requirement imposed by the regulations.

(4) The provision that may be made by virtue of subsection (1)(b) includes, for example, provision requiring a provider of an internet service to—

(a) limit the amount of time per day, or over the course of a specified period, for which relevant children may access the service or a specified functionality or other feature of the service;

(b) limit the times of day at which relevant children may access the service or a specified functionality or other feature of the service;

(c) restrict access by relevant children to a service or to a functionality or other feature of a service by virtue of which—

(i) a user of the service could receive unsolicited contact from a person who is not known to the user;

(ii) a user of the service could encounter live oral communications or live video generated directly on the service, or uploaded to or shared on the service, by a person who is not known to the user;

(iii) a person who is not known to a user of the service could encounter live oral communications or live video generated directly on the service, or uploaded to or shared on the service, by the user;

(iv) a person who is not known to a user of the service could identify the actual or approximate location of the user.

(5) The provision that may be made by virtue of subsection (3)(c) includes provision for a requirement to be an enforceable requirement for the purposes of Chapter 6 of Part 7.

(6) In making regulations under this section, the Secretary of State must have regard to—

(a) the different ways in which an internet service of a particular kind is used, including functionalities or other features of the service that affect how much children use the service, and the impact of such use on the level of risk of harm that might be suffered by children, and

(b) the fact that children of different ages may be affected by an internet service, or a functionality or other feature of an internet service, in different ways.

(7) Regulations under this section may—

(a) make provision applying any provision of this Act (with or without modifications);

(b) make provision for exceptions to requirements imposed by the regulations;

(c) make provision about the time by which, or period within which, a thing must be done;

(d) make provision by reference to standards, arrangements, specifications or technical requirements as published from time to time;

(e) confer functions on a person, including functions involving the exercise of a discretion, and make provision in connection with the procedure for exercising the functions;

(f) make consequential provision.

(8) Regulations made by virtue of subsection (7)(f) may amend or repeal primary legislation.

(9) The Secretary of State—

(a) must exercise the power under subsection (1) so as to make such provision as the Secretary of State considers appropriate following the conclusion of the consultation entitled "Growing up in the online world: a national consultation" launched on 2 March 2026 (command paper numbered CP 1528), and

(b) must, in exercising that power, have regard to the responses to the consultation.

(10) OFCOM must, so far as reasonably practicable—

(a) carry out such research or provide such advice as the Secretary of State may request for the purposes of making regulations under this section, and

(b) do so by such time, or within such period, as the Secretary of State may specify in the request.

(11) As soon as reasonably practicable after providing advice under subsection (10), OFCOM must publish the advice.

(12) In this section—

"primary legislation" means—

(a) an Act of Parliament,

(b) an Act of the Scottish Parliament,

(c) an Act or Measure of Senedd Cymru, or

(d) Northern Ireland legislation;

"specified" means specified, or of a description specified, in regulations under this section."

(3) In section 225 (parliamentary procedure for regulations), in subsection (1), after paragraph (e) insert—

"(ea) regulations under section 214A(1),".

71 Progress statement

(1) The Secretary of State must, before the end of the period of three months beginning with the day on which this Act is passed, lay before Parliament a statement setting out—

(a) what progress has been made towards making the first regulations under section 214A(1) of the Online Safety Act 2023 (inserted by section 70 of this Act) ("the first regulations"), and

(b) a timeline for making the first regulations.

(2) The timeline must provide for the first regulations to be laid before Parliament before the end of the period of 12 months beginning with the day on which the statement is laid under subsection (1).

(3) The duty in subsection (1) does not apply where the first regulations have been made before the end of the period mentioned in subsection (1).

(4) If the first regulations have not been laid before Parliament before the end of the period mentioned in subsection (2)—

(a) the Secretary of State must lay before Parliament a statement explaining why, and

(b) before the end of the period of six months beginning with the day on which the statement under paragraph (a) is laid, the Secretary of State must lay the first regulations before Parliament.

(5) References in this section to the laying before Parliament of the first regulations are to the laying before Parliament of a draft of a statutory instrument containing the first regulations.

72 Age of consent in relation to processing of a child's personal data: information society services

(1) Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data is amended as follows.

(2) In Article 8 (child's consent in relation to information society services), after paragraph 2 insert—

"(2A) The Secretary of State may by regulations—

(a) amend paragraph 1 so as to change the age for the time being specified in that paragraph (but not to an age lower than 13 years or higher than 16 years);

(b) make provision in relation to services specified, or of a description specified, in the regulations for a different age to apply for the purposes of paragraph 1 (but not lower than 13 years or higher than 16 years).

(2B) Regulations under paragraph 2A are subject to the affirmative resolution procedure."

(3) After Article 8, insert—

"Article 8ZA **Child's consent in relation to information society services: age verification**

(1) The Secretary of State may by regulations make provision about verifying—

(a) that a data subject who has given consent to the processing of his or her personal data in relation to the offer of information society services is at least the age for the time being specified in Article 8(1);

(b) in the case of a service specified, or of a description specified, in regulations under Article 8(2A)(b), that a data subject who has given consent to the processing of his or her personal data in relation to

the offer of information society services is at least the age for the time being applicable by virtue of those regulations in relation to that service or description of service.

(2) The provision that may be made by regulations under paragraph 1 includes—

(a) provision imposing requirements on persons specified, or of a description specified, in the regulations;

(b) provision about the steps that must or may be taken by such persons for the purposes of complying with a requirement imposed by the regulations;

(c) provision about the monitoring of compliance with a requirement imposed by the regulations;

(d) provision about the enforcement of a requirement imposed by the regulations.

(3) Regulations under paragraph 1 may—

(a) make provision amending, repealing, revoking or applying (with or without modifications) any provision of the data protection legislation (within the meaning given by section 3(9) of the Data Protection Act 2018);

(b) make provision for exceptions to requirements imposed by the regulations;

(c) make provision about the time by which, or period within which, a thing must be done;

(d) make provision by reference to standards, arrangements, specifications or technical requirements as published from time to time;

(e) confer functions on a person, including functions involving the exercise of a discretion, and make provision in connection with the procedure for exercising the functions.

(4) Regulations under this Article are subject to the affirmative resolution procedure.

(5) In paragraph 1, the reference to information society services does not include preventive or counselling services."

PART 4

GENERAL

73 Power to make consequential provision

(1) The Secretary of State may by regulations made by statutory instrument make provision that is consequential on provision made by this Act.

(2) Regulations under this section may amend, repeal or revoke legislation passed or made before, or in the same session of Parliament as, this Act.

(3) Except as provided by subsection (4), a statutory instrument that contains regulations under this section is subject to annulment in pursuance of a resolution of either House of Parliament.

(4) A statutory instrument that contains (whether alone or with other provision) regulations under this section that amend, repeal or revoke primary legislation may not be made unless a draft of the instrument has been laid before and approved by a resolution of each House of Parliament.

(5) The power to make regulations under this section includes power to make—

(a) supplementary, incidental, transitional or saving provision;

(b) different provision for different purposes or areas.

(6) In this section, "primary legislation" means—

(a) an Act of Parliament,

(b) an Act of the Scottish Parliament,

(c) an Act or Measure of Senedd Cymru, or

(d) Northern Ireland legislation.

74 Power to make consequential provision: Wales

(1) The Welsh Ministers may by regulations make provision that is consequential on any of the following provisions of this Act—

(a) section 13 (use of accommodation for deprivation of liberty);

(b) section 14(5) (service of documents under Part 2 of the Care Standards Act 2000);

(c) section 22 (ill-treatment or wilful neglect of children);

(d) sections 37 to 42 (children not in school).

(2) Regulations under subsection (1) may contain only provision which would be within the legislative competence of Senedd Cymru if it were contained in an Act of the Senedd.

(3) Regulations under this section may amend, repeal or revoke provision made by or under—

(a) an Act or Measure of Senedd Cymru passed before this Act, or

(b) an Act passed or made before, or in the same session of Parliament as, this Act.

(4) Regulations under this section are to be made by Welsh statutory instrument (see section 37A of the Legislation (Wales) Act 2019 (anaw 4)).

(5) Except as provided by subsection (6), regulations made under this section are subject to the Senedd annulment procedure (see section 37E of the Legislation (Wales) Act 2019 (anaw 4)).

(6) Regulations made under this section that amend, repeal or revoke provision made by or under an Act or Measure of Senedd Cymru, or an Act, are subject to the Senedd approval procedure (see section 37C of the Legislation (Wales) Act 2019 (anaw 4)).

(7) The power to make regulations under this section includes power to make—

(a) supplementary, incidental, transitional or saving provision;

(b) different provision for different purposes or areas.

75 Power to make consequential provision: Scotland

(1) The Scottish Ministers may by regulations make provision that is consequential on section 13 (use of accommodation for deprivation of liberty).

(2) Regulations under subsection (1) may contain only provision which would be within the legislative competence of the Scottish Parliament if it were contained in an Act of that Parliament.

(3) Regulations under this section may amend, repeal or revoke provision made by or under—

(a) an Act of the Scottish Parliament passed before this Act, or

(b) an Act passed or made before, or in the same session of Parliament as, this Act.

(4) For provision about instruments containing regulations under this section, see section 27 of the Interpretation and Legislative Reform (Scotland) Act 2010 (asp 10) (Scottish statutory instruments).

(5) Except as provided by subsection (6), regulations made under this section are subject to the negative procedure (see section 28 of the Interpretation and Legislative Reform (Scotland) Act 2010 (asp 10)).

(6) Regulations made under this section that amend, repeal or revoke provision made by or under an Act of the Scottish Parliament, or an Act, are subject to the affirmative procedure (see section 29 of the Interpretation and Legislative Reform (Scotland) Act 2010 (asp 10)).

(7) The power to make regulations under this section includes power to make—

(a) supplementary, incidental, transitional or saving provision;

(b) different provision for different purposes or areas.

76 Financial provision

There is to be paid out of money provided by Parliament—

(a) any expenditure incurred under or by virtue of this Act by the Secretary of State or by a government department, and

(b) any increase attributable to this Act in the sums payable under or by virtue of any other Act out of money so provided.

77 Extent

(1) Any amendment or repeal made by this Act has the same extent as the provision amended or repealed.

(2) Subject to subsection (1)—

(a) sections 23 to 27 and Schedule 1 extend to England and Wales, Scotland and Northern Ireland;

(b) section 29 extends to Scotland only.

(3) Subject to subsections (1) and (2), Parts 1 and 2 extend to England and Wales only.

(4) Section 71 and this Part extend to England and Wales, Scotland and Northern Ireland.

78 Commencement

(1) The following come into force on the day on which this Act is passed—

(a) any provision of or amendment made by Part 1 or 2, so far as it confers or relates to a power to make—

(i) regulations, or

(ii) in relation to the amendments made to the Education Act 2002 by Schedule 3, an order;

(b) Part 3;

(c) this Part.

(2) The following come into force (for all or remaining purposes) at the end of the period of two months beginning with the day on which this Act is passed—

(a) section 5;

(b) section 22;

(c) section 31;

(d) section 36;

(e) section 51;

(f) section 55;

(g) section 56;

(h) section 58;

(i) section 59 and Schedule 3 other than paragraph 6 of that Schedule;

(j) section 60;

(k) section 61.

(3) Subject to subsection (1), the following come into force, in relation to Wales, on such day as the Welsh Ministers may by regulations made by Welsh statutory instrument appoint—

(a) section 28;

(b) sections 37 to 42 and Schedule 2.

(4) Subject to subsection (1), section 29 comes into force on such day as the Scottish Ministers may by regulations appoint.

(5) Subject to subsections (1) to (4), this Act comes into force on such day as the Secretary of State may by regulations made by statutory instrument appoint.

(6) Different days may be appointed under subsections (3), (4) or (5) for different purposes or areas.

(7) The Secretary of State may by regulations made by statutory instrument make transitional or saving provision in connection with the coming into force of any provision of this Act other than—

(a) the provisions listed in subsection (3) in relation to Wales;

(b) section 29.

(8) The Welsh Ministers may by regulations made by Welsh statutory instrument make transitional or saving provision in connection with the coming into force of any provision listed in subsection (3) in relation to Wales.

(9) The Scottish Ministers may by regulations make transitional or saving provision in connection with the coming into force of section 29.

(10) The power to make regulations under subsections (7), (8) or (9) includes power to make different provision for different purposes or areas.

79 Short title

This Act may be cited as the Children's Wellbeing and Schools Act 2026.

SCHEDULES

SCHEDULE 1 Section 23

RELEVANT AUTHORITIES

PART 1

LIST OF RELEVANT AUTHORITIES

1 The Secretary of State.

2 The Lord Chancellor.

3 (1) The governing body of a maintained school in England.

(2) In sub-paragraph (1), "maintained school" has the meaning given by section 39(1) of the Education Act 2002.

4 (1) The proprietor of a non-maintained special school in England.

(2) In sub-paragraph (1)—

(a) "non-maintained special school" has the meaning given by section 337A of the Education Act 1996;

(b) "proprietor" has the meaning given by section 579(1) of that Act.

5 (1) The proprietor of—

(a) an Academy (as defined by section 579(1) of the Education Act 1996),

(b) a city technology college, or

(c) a city college for the technology of the arts.

(2) In sub-paragraph (1), "proprietor" has the meaning given by section 579(1) of the Education Act 1996.

6 (1) The governing body of an institution in England within the further education sector.

(2) In sub-paragraph (1)—

(a) "institution within the further education sector" has the meaning given by section 91(3) of the Further and Higher Education Act 1992;

(b) "governing body" has the meaning given by section 90(1) of that Act.

7 (1) The proprietor of a special post-16 institution in England in relation to which an approval under section 41(3) of the Children and Families Act 2014 has effect.

(2) In sub-paragraph (1), "proprietor" and "special post-16 institution" have the meaning given by section 83(2) of the Children and Families Act 2014.

8 His Majesty's Chief Inspector of Education, Children's Services and Skills.

9 NHS England.

10 An integrated care board established under section 14Z25 of the National Health Service Act 2006.

11 An NHS foundation trust within the meaning given by section 30 of the National Health Service Act 2006.

12 An NHS trust established under section 25 of the National Health Service Act 2006.

13 The Care Quality Commission.

14 The Youth Justice Board for England and Wales.

PART 2

POWER TO MODIFY PART 1

15 (1) The Secretary of State may by regulations made by statutory instrument amend Part 1 of this Schedule by—

(a) adding a person or description of persons,

(b) removing an entry listed in it, or

(c) varying an entry listed in it.

(2) A statutory instrument containing regulations under sub-paragraph (1) may not be made unless a draft of the instrument has been laid before and approved by a resolution of each House of Parliament.

16 (1) Regulations under paragraph 15(1)(a) may not add a person or description of persons to Part 1 unless the Secretary of State considers that the person exercises, or (as the case may be) all persons of that description exercise, functions of a public nature.

(2) Regulations under paragraph 15(1)(c) may not vary an entry listed in Part 1 so that it relates to a person who does not exercise functions of a public nature or, in the case of a description of persons, so that the description consists of or includes persons who do not exercise functions of a public nature.

17 (1) Regulations under paragraph 15(1)(a) may not add a person or description of persons to Part 1 if the Secretary of State considers that the person or (as the case may be) any person of that description—

(a) exercises devolved functions only, or

(b) exercises any devolved functions, unless the entry for that person or description of persons provides that they are a relevant authority only to the extent that they are exercising functions that are not devolved functions.

(2) Regulations under paragraph 15(1)(c) may not vary an entry listed in Part 1—

(a) so that it relates to a person who exercises devolved functions only, or in the case of a description of persons, so that the description consists of or includes any persons who exercise devolved functions only, or

(b) so that it relates to a person who exercises devolved functions, or in the case of a description of persons, so that the description consists of or includes any persons who exercise devolved functions, unless the entry provides that they are a relevant authority only to the extent that they are exercising functions that are not devolved functions.

(3) In this paragraph, "devolved function" means a function that could be conferred by provision that would be within the legislative competence of—

(a) the Scottish Parliament, if it were contained in an Act of that Parliament (see section 29 of the Scotland Act 1998),

(b) Senedd Cymru, if it were contained in an Act of the Senedd (see section 108A of the Government of Wales Act 2006), or

(c) the Northern Ireland Assembly, if it were contained in an Act of the Assembly, where the Bill for that Act would not require the consent of the Secretary of State (see sections 6 to 8 of the Northern Ireland Act 1998).

SCHEDULE 2 Section 42

CHILDREN NOT IN SCHOOL: CONSEQUENTIAL AMENDMENTS

Children Act 1989

1 (1) The Children Act 1989 is amended as follows.

(2) In section 36 (education supervision orders), in subsection (5)(a), for "437" substitute "436I".

(3) In section 91 (effect and duration of care orders etc), in subsection (5), for "437" substitute "436I".

(4) In Schedule 3 (supervision orders), in paragraph 13(2)(a)(i) and (b)(i), for "437" substitute "436I".

Education Act 1996

2 (1) The Education Act 1996 is amended as follows.

(2) Omit sections 437 to 443 (school attendance orders) and the italic headings before sections 437 and 443.

(3) Before section 444 insert—

"Offence of failure to secure regular attendance at school of registered pupil".

(4) Before section 445 insert—

"Offences: general".

(5) In sections 445(1), 446 and 447(1) and (2)(a), for "443" substitute "436Q".

(6) After section 447 insert—

"Interpretation of Chapter

447A Interpretation of Chapter 2

In this Chapter—

"maintained school" means any community, foundation or voluntary school or any community or foundation special school not established in a hospital;

"school nomination notice" means a notice under section 436L."

(7) In section 580 (index), in the second column of the entry relating to "school attendance order", for "section 437(3)" substitute "section 436I".

School Standards and Framework Act 1998

3 In section 86 of the School Standards and Framework Act 1998 (parental preferences), in subsection (8)(b), for "438(4) or 440(2)" substitute "436L(4) or 436O(2)".

Sentencing Act 2020

4 In section 369 of the Sentencing Act 2020 (parenting order in respect of certain offences under the Education Act 1996)—

(a) in subsection (1)(a), for "443" substitute "436Q";

(b) in subsections (2), (4) and (5)(a), for "443" substitute "436Q".

SCHEDULE 3

Section 59

PAY AND CONDITIONS OF ACADEMY TEACHERS: AMENDMENTS TO THE EDUCATION ACT 2002

1 Part 8 of the Education Act 2002 (teachers' pay and conditions etc) is amended as follows.

2 In section 120(2) (School Teachers' Review Body function: meaning of school teacher), for the words from "the Secretary of State's" to the end substitute "section 122 or an Academy teacher for the purposes of section 122A."

3 In section 121(2) (bodies to be consulted by School Teachers' Review Body), after paragraph (b) insert—

"(ba) bodies representing the interests of proprietors of Academies,".

4 In the heading of section 122, after "conditions" insert "of school teachers other than Academy teachers".

5 After section 122 insert—

"**122A Power to set minimum remuneration of Academy teachers etc**

(1) The Secretary of State may by order make provision requiring the remuneration of an Academy teacher to be at least equal to the amount specified in, or determined in accordance with, the order.

(2) Subsection (3) applies where—

(a) an order under this section applies to an Academy teacher, and

(b) the contract of employment or for services between the Academy teacher and the relevant proprietor provides for the teacher to be paid

remuneration that is less than the amount specified in, or determined in accordance with, the order.

(3) Where this subsection applies—

(a) the Academy teacher's remuneration is to be determined and paid in accordance with any provision of the order that applies to the teacher;

(b) any provision of the contract mentioned in subsection (2)(b) or of the Academy arrangements entered into with the Secretary of State by the relevant proprietor has no effect to the extent that it makes provision that is prohibited by, or is otherwise inconsistent with, the order.

(4) A person is an Academy teacher for the purposes of this section in any of the following cases.

(5) The first case is where—

(a) the person provides primary or secondary education under a contract of employment or for services,

(b) the other party to the contract is the proprietor of an Academy,

(c) the contract requires the person to carry out work of a kind which is specified by regulations under section 133(1), and

(d) the person—

(i) is not prevented by regulations under section 133(1) from carrying out that work, and

(ii) is not of a description specified in regulations made by the Secretary of State for the purposes of this paragraph.

(6) The second case is where the person—

(a) serves as the principal of an Academy, and

(b) is not appointed by the proprietor of the Academy as an executive leader of the proprietor.

(7) The third case is where the person would fall within section 122(5) but for the fact that the other party to the contract of employment or for services under which the person provides primary or secondary education is the proprietor of an Academy (and not a party mentioned in section 122(3)(c)).

(8) Regulations under subsection (5)(d) may, in particular, specify a description by reference to a person's duties or to any provision for a person's remuneration to be determined otherwise than under this section.

(9) Where the proprietor of an Academy is also the proprietor of a 16 to 19 Academy, a person ("P") is not an Academy teacher for the purposes of this section to the extent that a contract of employment or for services between P and the proprietor requires P to provide secondary education at the 16 to 19 Academy.

(10) In the application of subsections (2) and (3)—

(a) it is immaterial whether someone other than the relevant proprietor provides or is responsible for providing all or part of a teacher's remuneration;

(b) it is immaterial whether someone other than the relevant proprietor is treated wholly or partly as a teacher's employer for some or all purposes by virtue of an enactment.

(11) In this section "the relevant proprietor", in relation to an Academy teacher, means the proprietor mentioned in subsection (5)(b), (6)(b) or (7) (as the case may be)."

6 In section 122A (inserted by paragraph 5), after subsection (10) insert—

"(10A) In determining the conditions of employment or service of an Academy teacher, the relevant proprietor must have regard to any provision of an order under section 122 that relates to conditions of employment or service (and must also have regard to guidance under section 127(1) that relates to such conditions)."

7 In section 123 (scope of section 122 orders)—

(a) in the heading, after "122" insert "or 122A";

(b) after subsection (1) insert—

"(1A) Subsection (1) applies in relation to an order under section 122A as it does in relation to an order under section 122 but as if—

(a) the reference in paragraph (a) to a local authority or a governing body were to a proprietor of an Academy, and

(b) paragraphs (f) to (h) were omitted.";

(c) in subsection (2)(b), after "local authorities" insert ", teachers and proprietors of Academies";

(d) in subsection (3), after "122" insert "or 122A";

(e) in subsection (4), after paragraph (c) insert—

"(d) that a payment or entitlement of a specified kind is or is not to be treated as remuneration for the purpose of section 122A(1)."

8 In section 124 (supplementary provision), after "122", in each place it occurs (including the heading), insert "or 122A".

9 In section 125(1) (requirement to refer matter before making order), after "122" insert "or 122A".

10 In section 126 (bodies to be consulted by the Secretary of State)—

(a) after "122" insert ", 122A";

(b) after paragraph (b) insert—

"(ba) bodies representing the interests of proprietors of Academies,".

11 In section 127 (guidance issued by the Secretary of State)—

(a) after subsection (2) insert—

"(2A) The Secretary of State may issue guidance about the determination of whether, for the purposes of section 122A, a person's remuneration is at least equal to the amount specified in, or determined in accordance with, an order under that section.

(2B) The proprietor of an Academy must have regard to guidance under subsection (2A).";

(b) in subsection (3), after "(1)" insert "or (2A)";

(c) in subsection (4)—

(i) after "(1)" insert "or (2A)";

(ii) after paragraph (b) insert—

"(ba) bodies representing the interests of proprietors of Academies,".

12 After section 127 insert—

"**127A References to "Academy" and "Academy arrangements"**

(1) In sections 121 to 127, a reference to an Academy—

(a) includes a reference to a city technology college and a city college for the technology of the arts, and

(b) does not include a reference to a 16 to 19 Academy.

(2) A reference in any of those sections to Academy arrangements includes a reference to an agreement under section 482 of the Education Act 1996 (city colleges)."

13 In section 210(6) (orders not subject to Parliamentary procedure), after "122" insert "or 122A".

SCHEDULE 4 Section 68

Establishment of new schools: amendments to Schedule 2 to the Education and Inspections Act 2006

1 Schedule 2 to the Education and Inspections Act 2006 (proposals for establishment or discontinuance of schools in England) is amended as follows.

2 In paragraph 1(1) (application of Schedule), omit ", 11".

3 In paragraph 2 (meaning of "the relevant authority"), in paragraph (b) omit ", 11".

4 Omit paragraph 3A (meaning of "Academy proposals" and "non-Academy proposals") and the italic heading before it.

5 (1) Paragraph 4 (references to persons by whom proposals are made) is amended as follows.

(2) For paragraph (a), substitute—

"(a) proposals under section 7 are to be taken to be made—

(i) where the proposals are submitted to the relevant authority under subsection (4)(b) of that section, by the person who submitted them, and

(ii) where the proposals are published by the relevant authority in reliance on subsection (5)(aa) of that section, by the relevant authority, and".

(3) In paragraph (b), omit ", 11".

6 Omit paragraph 5A (consideration of proposals: distinction between Academy and non-Academy proposals).

7 In paragraph 6 (consideration of proposals), for "10 or 11" substitute "7 or 10".

8 Omit paragraph 7A (consideration of Academy proposals).

9 (1) Paragraph 8 (consideration of proposals: further provision) is amended as follows.

(2) In sub-paragraph (2), after "proposals to" insert "the Secretary of State or".

(3) After sub-paragraph (4) insert—

"(4A) Sub-paragraphs (3) and (4) are limited by provision made by or under paragraph 17A in relation to proposals for the establishment of an Academy."

10 In paragraph 9 (consideration of proposals that are related to other proposals), in sub-paragraph (2A)(b), omit ", 11".

11 In the italic heading before paragraph 10, after "refer to" insert "Secretary of State or".

12 (1) Paragraph 10 (duty to refer certain proposals to adjudicator) is amended as follows.

(2) In sub-paragraph (1)—

(a) in the words before paragraph (a), for "adjudicator" substitute "appropriate person",

(b) for paragraph (a) substitute—

"(a) all of the proposals published under section 7 which would otherwise require consideration by the authority under paragraph 8 where—

(i) some or all of the proposals are made by the authority, or

(ii) the proposals consist of or include proposals which relate to the establishment of a foundation school with a foundation falling within sub-paragraph (2);", and

(c) in paragraph (b), omit "or 11".

(3) In sub-paragraph (3), for "adjudicator" in both places it occurs, substitute "appropriate person".

(4) After that sub-paragraph insert—

"(4) In this paragraph, "the appropriate person" means—

(a) in relation to proposals within sub-paragraph (1)(a), the Secretary of State;

(b) in relation to proposals within sub-paragraph (1)(b), the adjudicator."

13 In the italic heading before paragraph 12, for "adjudicator" substitute "Secretary of State".

14 In paragraph 12 (duty to refer proposals in pursuance of direction by Secretary of State), in sub-paragraph (1), for "adjudicator" substitute "Secretary of State".

15 In the italic heading before paragraph 13, after "refer" insert "certain".

16 For paragraph 13 (duty to refer proposals where determination delayed) substitute—

"13 (1) This paragraph applies where—

(a) proposals under section 10 or 15 are required to be considered under paragraph 8,

(b) paragraph 8(4) applies in relation to the proposals, and

(c) by the end of such period as may be prescribed the relevant authority have not determined whether to give any approval under paragraph 8(4).

(2) Where this paragraph applies, the relevant authority must within a prescribed time refer to the adjudicator the proposals concerned, together with any comments made on the proposals by the authority."

17 (1) Paragraph 14 (reference to adjudicator at request of aggrieved person) is amended as follows.

(2) In sub-paragraph (1), omit ", 11".

(3) In sub-paragraph (2)(c), omit "or 11".

18 (1) Paragraph 15 (duty to refer related proposals) is amended as follows.

(2) In paragraph (a), for "7, 10, 11 or 15" substitute "10 or 15".

(3) In paragraph (b), omit ", 11".

19 (1) Paragraph 16 (withdrawal of proposals before determination) is amended as follows.

(2) In paragraph (b) of sub-paragraph (1)—

(a) after "referred to" insert "the Secretary of State or", and

(b) for "the adjudicator", in the second place it occurs, substitute "that person".

(3) In the words after that paragraph, for "the adjudicator" substitute "the Secretary of State or the adjudicator, as the case may be".

(4) In sub-paragraph (2)—

(a) after "writing to" insert "the Secretary of State or", and

(b) for "the adjudicator", in the second place it occurs, substitute "that person".

20 In the italic heading before paragraph 17, after "to" insert "Secretary of State or".

21 For paragraph 17 substitute—

"17 (1) This paragraph applies where any proposals are referred to the Secretary of State or to the adjudicator ("the decision-maker") under any provision of this Part of this Schedule.

(2) The decision-maker must consider the proposals or, in a case where the proposals have previously been determined by the relevant authority, must consider them afresh.

(3) For the purposes of sub-paragraph (2), the following provisions apply in relation to the decision-maker as they apply in relation to the relevant authority—

(a) paragraph 8(3) or (4) (as the case may be);

(b) paragraph 8(5) and (6).

(4) For the purposes of sub-paragraph (2), paragraph 9 applies in relation to the decision-maker as it applies in relation to the relevant authority but—

(a) where the decision-maker is the Secretary of State, it applies as if sub-paragraph (2A)(b) of that paragraph (requirement to consider related proposals under section 10 or 15) were omitted;

(b) where the decision-maker is the adjudicator, it applies as if sub-paragraph (2A)(a) of that paragraph (requirement to consider related proposals under section 7) were omitted.

(5) The revocation of a direction under paragraph 12(1) does not affect the determination by the Secretary of State of any proposals referred to the Secretary of State before the revocation."

22 After paragraph 17 insert—

"Proposals to establish Academy

17A (1) This paragraph applies in relation to proposals published under section 7 which consist of or include proposals to establish an Academy, other than proposals which have been referred to the Secretary of State under paragraph 10.

(2) The relevant authority must consult the Secretary of State about the proposals before taking any decision under paragraph 8.

(3) Regulations may make provision about requirements that apply in relation to the consultation under sub-paragraph (2) (including requirements as to the period within which the consultation must be carried out).

(4) The relevant authority may not approve under paragraph 8 proposals to establish a particular Academy unless the authority—

(a) has consulted the Secretary of State about the proposals under sub-paragraph (2), and

(b) has been notified by the Secretary of State in accordance with regulations that the Secretary of State would (if the proposals were approved) be willing to begin negotiations with a view to entering into Academy arrangements for the establishment of that particular Academy.

(5) Where the Secretary of State has notified the relevant authority that the Secretary of State's willingness to begin negotiations is subject to modifications being made to the proposals, the authority may only approve the proposals under paragraph 8 with those modifications.

(6) Where the Secretary of State has notified the relevant authority that the Secretary of State's willingness to begin negotiations is subject to the authority imposing conditions in connection with the approval of the proposals, the authority may only approve the proposals under paragraph 8 subject to those conditions.

(7) Sub-paragraphs (5) and (6) do not prevent the relevant authority approving the proposals with further modifications or conditions,

provided that such modifications or conditions are not inconsistent with those required by the Secretary of State.

(8) If the proposals have been referred to the adjudicator under paragraph 10, 11, 13 or 15, the reference in sub-paragraph (2) to the relevant authority is to be read as a reference to the adjudicator.

(9) Sub-paragraphs (4) to (6) have effect in relation to a decision of an adjudicator under paragraph 8 as they have effect in relation to a decision of the relevant authority under that paragraph.

(10) Approval under paragraph 8 by the relevant authority or the adjudicator of proposals to establish an Academy does not oblige the Secretary of State to enter into, or seek to enter into, Academy arrangements."

23 (1) Paragraph 19 (determination whether to implement proposals not requiring consideration under paragraph 8) is amended as follows.

(2) In sub-paragraph (4)—

(a) for paragraph (aa) substitute—

"(aa) proposals published under section 7 that—

(i) require consideration under paragraph 8 and are not yet determined, and

(ii) are not required to be referred to the Secretary of State,";

(b) in paragraph (b) omit "or 11".

24 (1) Paragraph 21 (requirement to implement proposals) is amended as follows.

(2) In sub-paragraph (5), after "refer to" insert "the Secretary of State or".

(3) After that sub-paragraph insert—

"(5A) Where the relevant authority have not yet taken a step required by this paragraph in relation to proposals published under section 7, the Secretary of State may give a direction to the authority requiring the authority to refer the matter to the Secretary of State."

(4) In sub-paragraph (6), after "paragraph" insert "in relation to proposals under section 10 or 15".

(5) In sub-paragraph (7)—

(a) in the words before paragraph (a)—

(i) after "referred to" insert "the Secretary of State or", and

(ii) after "adjudicator" insert "("the decision-maker")";

(b) in paragraph (a), for "adjudicator" substitute "decision-maker";

(c) in paragraph (b), for "adjudicator" substitute "decision-maker".

25 (1) Paragraph 22 (proposals not falling to be implemented) is amended as follows.

(2) In sub-paragraph (3), after "referred to" insert "the Secretary of State or".

(3) After that sub-paragraph insert—

"(3A) Where, by virtue of sub-paragraph (2), paragraph 21(1) ceases to apply to any proposals approved by the Secretary of State under paragraph 8, those

proposals must be considered afresh by the Secretary of State under that paragraph (and paragraph 17 applies accordingly).”